S. HRG. 101-1109

SOUTHWEST BORDER HIGH-INTENSITY DRUG TRAFFICKING DESIGNATION

HEARING

BEFORE A

SUBCOMMITTEE OF THE

COMMITTEE ON APPROPRIATIONS

UNITED STATES SENATE

ONE HUNDRED FIRST CONGRESS

SECOND SESSION

SPECIAL HEARING

Printed for the use of the Committee on Appropriations

U.S. GOVERNMENT PRINTING OFFICE

35-684 cc WASHINGTON : 1991

S181-17

For sale by the Superintendent of Documents, Congressional Sales Office
U.S. Government Printing Office, Washington, DC 20402

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SOUTHWEST BORDER HIGH-INTENSITY DRUG TRAFFICKING DESIGNATION

MONDAY, JULY 30, 1990

U.S. SENATE,
SUBCOMMITTEE ON TREASURY, POSTAL SERVICE,
AND GENERAL GOVERNMENT,
COMMITTEE ON APPROPRIATIONS,
Phoenix, AZ.

The subcommittee met at 1:05 p.m., in the city council chambers, 200 West Jefferson Street, Phoenix, AZ, Hon. Dennis DeConcini (chairman) presiding.

Present: Senator DeConcini.

NONDEPARTMENTAL WITNESSES

OPENING REMARKS OF SENATOR DECONCINI

Senator DECONCINI. The Subcommittee on Treasury, Postal Service, and General Government will come to order. I want to welcome all of the distinguished witnesses who have taken the time to be here today. I know you are busy and that some of you have traveled a long way. This is an important hearing. It is about the proposed high-intensity plan for the Southwest border. I know we have a great many witnesses scheduled to testify. We will be a little bit short on time today because we have to return to Washington, as well.

The areas encompassing New York City, Houston, Miami, Los Angeles, and the Southwest border are the five areas of the Nation designated by the Office of National Drug Control Policy as high-intensity drug trafficking areas. As a result, these areas are intended to become the focal point of additional Federal antidrug assistance and enforcement efforts, and the target of a coordinated Federal-State-local response. Last month, at the request of my colleague from New York, Senator D'Amato, the subcommittee traveled to New York to take testimony from State, local, and Federal witnesses on the high-intensity drug trafficking area implementation plan for the New York area. While the plan for New York City had not been finalized at the time we held the hearing, I believe the testimony we received was very instructive about the consultation process and the drug enforcement priorities for that particular region of the country.

The purpose of today's hearing is to follow up on the discussions we started in New York on how the plans would be implemented and funded. I am keenly aware of the problems drug trafficking

presents along our massive United States/Mexico border. In October 1989 I sent a letter to President Bush urging him to designate the Southwest border as a high-intensity drug trafficking area. I am pleased that he, through Dr. Bennett, took that action earlier this year. Now we need to find out what it means for law enforcement here on the border and how it will help us arrest the increasingly difficult problems it presents to us, not just for residents of our own State, but for the Nation as a whole.

On July 24 I was briefed by Deputy Director of the Office of National Drug Control Policy, Stan Morris, Assistant Treasury Secretary Peter Nunez, and Assistant Attorney General Jonathan Feld on the proposed strategic plan to reduce the incidence of drug trafficking on the Southwest border. While I have not had a chance to thoroughly review it, it is an important document for us to review and determine what we can do to expand it with the limited resources we have.

Tomorrow in Washington we will markup the 1991 Treasury appropriations bill which funds a number of law enforcement agencies, including the Office of National Drug Control Policy and funds for high intensity activities, so today's hearing is very timely. What you say today can help and have some influence on what we do in the Appropriations Committee tomorrow and Wednesday.

I intend to discuss today how the funding provided through the various Federal agency budgets, and the $25 million which the Congress appropriated this fiscal year to enhance assistance to the five high intensity areas, will be spent. As many of you know, the administration has proposed to raise this amount to $50 million in fiscal year 1991. I personally do not believe that amount is sufficient to do the job which needs to be done, and I want your advice and assistance in determining what the additional law enforcement requirements might be. If there is one concern I do have, it is that none of the funds included in the distribution of the $25 million will go directly to State and local law enforcement for operational support. We will hear why, and I am sure there are some reasons. Because of the time shortage, this money cannot be carried over into the next year. It must be spent now, so there are some time constraints, and we will hear that side of it from the Treasury and the national drug coordinator's office.

The Treasury Department has been given lead agency responsibility, as I am sure you all know, for developing and implementing the Southwest border high-intensity drug trafficking area plan, and for coordinating Federal assistance in this area with State and local efforts. The Treasury plan would provide an additional $10.6 million for various procurements and activities for Federal law enforcement agencies on the Southwest border. I want to discuss the allocation of the $10.6 million with the witnesses to assess how this funding fits into the strategy.

There is no doubt that as we wage our war against drugs, all levels of the government must work together. Any assistance from the Federal Government is worthless unless it is coordinated with State and local law enforcement efforts. I hope the Southwest border plan will bring all elements of law enforcement together to work toward one common objective—that is, reducing the level of violence caused by the growing drug epidemic in this country.

In fact, I am very pleased to have the distinguished panel we have here of local law enforcement, and for time purposes, if you would, keep your remarks to a brief 5 minutes. We will have some questions and full statements will be included in the record, and we will start with Mr. Holgerson of the Arizona Criminal Justice Commission.

Thank you for being with us today.

ARIZONA CRIMINAL JUSTICE COMMISSION

STATEMENT OF REX HOLGERSON, EXECUTIVE DIRECTOR

Mr. HOLGERSON. Thank you, Senator DeConcini. We very much appreciate the opportunity to offer comment on the proposed plan for implementing the designation of the Southwest border as a high-intensity drug trafficking area. A most important initial criticism of the plan is that key State, county, and local officials in Arizona had no distinct opportunity to participate in the development of the plan and we believe the proposed plan reflects a definite lack of knowledge about what is already going on in Arizona regarding drug control efforts. State and local comment was solicited after the plan was developed.

As you know, the Arizona Criminal Justice Commission is the State agency that receives and distributes within Arizona the formula block grant funds from the Federal Government for State and local assistance in the drug enforcement effort. The commission is a 19-member body containing representatives from all elements of the criminal justice system in Arizona. The commission has taken its responsibility very seriously and has implemented a balanced statewide multijurisdictional strategy. This strategy was developed in 1987 after extensive study and input was received from every Federal, State, county, and local official who had any interest and/or responsibility in the drug control effort in Arizona. Each year input is solicited anew and the strategy refined. The result is a sophisticated and very productive enhancement to the regular resources which are provided by Federal, State, and local agencies.

The strategy, and the enhanced program, have contributed greatly to the productivity of the enforcement, prosecution, adjudication and forensic elements involved in the antidrug campaign in Arizona. The strategy and the existing program recognize that the border counties of Pima, Cochise, Yuma, and Santa Cruz and the pivotal county of Maricopa are priority areas in the drug trafficking scene in this State. The commission directs over 70 percent of the grant funds available to these four counties and has for almost 3 years. The program also recognizes that increased apprehension and seizure activities place a burden on the other elements of the criminal justice system, so we direct a proportionate amount of grant funds to the prosecution, detention, and forensic analysis and adjudication elements of the system. This is a balanced approach seeking to achieve the most effective use of the funds.

The strategy, and the enhanced program, have also contributed significantly to the interagency cooperation, both laterally and vertically, among Federal, State, county, and local agencies throughout Arizona. We in Arizona are very pleased with and proud of the

cooperation, both interagency and interjurisdictional, that exists in Arizona in the drug control effort.

A significant product of all this effort is a wealth of current knowledge about the drug trafficking and drug abuse scenario in Arizona. This knowledge was not solicited, nor tapped into, the development of the proposed plan for implementing the high-intensity drug trafficking area program. The proposed plan, quite frankly, appears to be an attempt to reinvent the wheel. We probably need a bigger set of tires, but the wheels are in place and they are working.

We already have in place in Arizona most of the crucial elements that make up the proposed plan. We have had them in place for at least 2 years. A good example is the proposed creation of multiagency tactical response teams or border area interagency task forces. Since 1987 we have had multiagency task forces operating in Cochise, Yuma, and Pima Counties. These task forces contain an assortment, but mostly Federal, State, county, and local officers working together in what has been a very productive manner. Such a task force also now exists in Santa Cruz County.

What do we suggest? Make more initial funds available to enhance the activities in place. Let us purchase some additional needed equipment, like radio and communications systems and computers, vehicles, night vision devices, et cetera, and let us have the funding to increase the number of personnel assigned to these existing task forces. And while we are at it, let us enhance if we have any money the prosecutorial and adjudicatorial capabilities in these counties designated in the high-intensity drug trafficking area.

These types of enhancements to the existing well-placed and functioning effort have the potential to be much more productive than new or redundant elements which might compete with or even disrupt existing and ongoing activities and may take many more months to put in place.

Overall, the HIDTA strategy contains many very practical and much needed improvements to the existing situation to accomplish effective border area control. The HIDTA funds appear to be quite limited when divided between five HIDTA areas and then again among four States on the Southwest border in one HIDTA area. It appears that one or two projects among many in the Southwest border HIDTA strategy could easily soak up all the special funds. The HIDTA strategy appears to be a long-range effort which will require months or years to put in place and will require significantly larger funding to implement.

PREPARED STATEMENT

I suggest we use the current HIDTA funding to enhance existing elements in place and then program the longer range elements of the plan into the budgets of the responsible different agencies.

Thank you, Senator.

[The statement follows:]

STATEMENT OF REX M. HOLGERSON

We very much appreciate the opportunity to offer comment on the proposed plan for implementing the designation of the Southwest Border as a high intensity drug trafficking area. A most important initial criticism of the plan is that key state, county and local officials in Arizona had no distinct opportunity to participate in the development of the plan and we believe the proposed plan reflects a definite lack of knowledge about what is already going on in Arizona regarding drug control efforts. State and local comment was solicited after the plan was developed.

The Arizona Criminal Justice Commission is the state agency that receives and distributes within Arizona the formula block grant funds from the federal government for state and local assistance in the drug enforcement effort. The Commission is a 19 member body containing representatives from all elements of the criminal justice system in Arizona. The Commission has taken its responsibility very seriously and has implemented a balanced statewide multi-jurisdictional strategy. This strategy was developed in 1987 after extensive study and input received from every federal, state, county and local official who had any interest and/or responsibility in the drug control effort. Each year input is solicited anew and the strategy refined. The result is a sophisticated and very productive enhancement to the regular resources which are provided by federal, state and local agencies.

The strategy, and the enhanced program, have contributed greatly to the productivity of the enforcement, prosecution, adjudication and forensic elements involved in the anti-drug campaign in Arizona. The strategy and the existing program recognize that the border counties of Pima, Cochise, Yuma and Santa Cruz and the pivotal county of Maricopa are priority areas in the drug trafficking scene in this state. We direct over 70% of our grant funds to these 4 counties. It also recognizes that increased apprehension and seizure activities place a burden on the other elements of the criminal justice system so we direct a proportionate amount of grant funds to the prosecution, detention, forensic analysis and adjudication elements of the system. This is a balanced approach seeking to achieve the most effective use of the funds.

The strategy, and the enhanced program, have also contributed significantly to the interagency cooperation, both laterally and vertically, among federal, state, county and local agencies throughout Arizona. We, in Arizona, are very pleased with and proud of the cooperation, both interagency and inter-jurisdictional, that exists in Arizona in the drug control effort. Many people have worked very hard to create this level of cooperation and have overcome substantial obstacles to achieve it.

A significant product of all this effort is a wealth of current knowledge about the drug trafficking and drug abuse scenario in Arizona. This knowledge was not solicited, nor tapped into, in the development of the proposed plan for implementing the high intensity drug trafficking area program. The proposed plan, quite frankly, appears to be trying to "re-invent the wheel." We probably need a bigger set of tires but our wheels are in place and working.

We already have in place in Arizona most of the elements that make up the proposed plan. We have had them in place for over two years. A good example is the proposed creation of multi-agency tactical response teams in the border areas. Since 1987, we have had multi-agency task forces operating in Cochise, Yuma, and Pima Counties. These task forces contain federal, state, county and local officers working together in a very productive manner. Such a task force also now exists in Santa Cruz County. What do we suggest? Make more funds available to enhance the activity in place. Let's purchase some additional needed equipment (radio communication systems, vehicles, night vision devices, etc.) and let's have the funding to increase the number of personnel assigned to these existing task forces. And while we are at it, let's enhance the prosecutorial and adjudicatorial capabilities in these counties designated in the high intensity drug trafficking area.

These types of enhancements to an existing well placed and functioning effort will be much more productive than new or redundant elements which might compete with and even disrupt existing and ongoing activities.

My submitted attachment addresses other points of the proposed plan and contains suggestions for effective use of the additional funds under the high intensity drug trafficking area program.

Thank you.

COMMENT

Southwest Border HIDTA Strategy

I. Collection and management of intelligence.

Suggest that existing multi-agency task forces in border counties be enhanced with intelligence, analytical personnel and equipment (computer and communication system). An immense amount of intelligence is already being collected but lacks the enhanced resources to analyze and disseminate the material.

II. Interdiction.

Instead of creating multi-agency tactical response teams we suggest that existing multi-agency task forces in the border counties be enhanced with additional personnel resources and equipment. Interdiction is an immediate area 24 hour a day activity. Pumping up the ability and capability of in place task forces would appear to have more potential for effective action than creation of a remotely located response team.

It appears that much of the HIDTA interdiction strategy is simply providing more efficient and more productive services from U.S. Customs and U.S. Border Patrol elements. These types of enhanced efforts are certainly worth doing and certainly welcome. But, should not these enhancements come naturally in these agencies own efforts to improve their delivery of services instead of soaking up the HIDTA funds?

III. **Investigative Programs - Criminal Justice System.**

Instead of creating HIDTA Alliance Interagency Groups which would overlap existing multi-agency task forces and create the environment of confusion and competitive effort, let us enhance the existing multi-agency task forces and provide the resources for a more substantial effort.

Suggest that serious consideration also be given to enhancement of local prosecutive resources because many smuggling/interdiction cases are prosecuted in local jurisdictions instead of at the federal level.

Arizona has very contemporary and strong drug asset forfeiture laws. A unit has been created in the Arizona Attorney General's Office that has been instrumental and productive in asset forfeiture work throughout Arizona. Suggest that enhancement at the local prosecutor's level would be highly beneficial to the overall effort.

IV. Overall, the HIDTA strategy contains many very practical and much needed improvements to the existing situation to accomplish more effective border area control. The HIDTA funds appear to be quite limited when divided between 5 HIDTA areas and then again among 4 states on the Southwest border in one HIDTA area. It appears that one or two projects among many in the Southwest border HIDTA strategy could easily soak up all the special funds. The HIDTA strategy appears to be a long range effort which will require months or years to put in place and will require significantly larger funding to implement.

Suggest we use the current HIDTA funding to enhance existing elements in place and then program the longer range elements of the plan into the budgets of U.S. Customs and U.S. Border Patrol.

Senator DECONCINI. Thank you, Mr. Holgerson. First of all, I appreciate your candidness regarding the fact that there was little or no local input here. We will hear from Treasury about that later. In their plan here I notice that, for instance, they are making some upgrades on some of the Federal law enforcement agencies, and I wonder if you would agree with that action. For example, they are going to purchase 20 secure mobile portable radios for six border patrol sectors and some of those sectors are being funded, but something that I have noticed a need for is border patrol privacy equipment. I wonder if you concur that there is a need to enhance and upgrade the Federal agencies along the border as well as some of the local law enforcement agencies.

Mr. HOLGERSON. The answer to that is absolutely yes, there is a definite need.

Senator DECONCINI. And if we were able to increase the amount of moneys, what would be your top priority for local law enforcement? Would it be in grant programs, would it be going to your commission, would it be funding these task forces, or what do you think is the No. 1 area of need?

Mr. HOLGERSON. If the amount of money was to be increased and put through the HIDTA program or whatever, the State of Arizona has a very functioning element in place and that is the commission. We have operated now for 2-plus years under a strategy that takes in a statewide effort, takes in high priority efforts, takes in a balanced overall law enforcement effort. I would suggest the money be funded to the commission for distribution.

Senator DECONCINI. Thank you. This is always helpful.

Sheriff Dupnik, thank you for your participation. You are one of the Arizona representatives to the Operation Alliance and have been instrumental in the war on drugs for many, many years and we appreciate having you here with us today. You may proceed with your statement.

PIMA COUNTY SHERIFF'S DEPARTMENT

STATEMENT OF CLARENCE DUPNIK, SHERIFF

Sheriff DUPNIK. Thank you, Senator. First, I would like to say thank you for once again coming to Arizona to look at the problem firsthand and to talk to the people who have been involved in fighting the battle along the border. I know you have been doing this for as long as I have been sheriff, which is quite a while, and even before then, before you were a Senator, you were doing it as a county attorney, starting the first multiagency efforts along the Mexican border, so we appreciate your participation and your interest and most of all your leadership. I think if it were not for you, we would not have a lot of the resources and input we have at the national level, and I know most of us in law enforcement are very grateful for your participation.

I would like to address only a couple of areas at this time, Senator. One is the involvement of the military and two is a State and local perspective on the HIDTA plan. Early last fall when we found out that the military was going to become very actively involved in the war on drugs on the Southwest border, most of us were very, very grateful. I think you are painfully aware of the need for re-

sources that civilian law enforcement has along the Mexican border, along the many, many hundreds of miles virtually unprotected. So we were very grateful that under the auspices of JTF–6 that we were going to have substantial resources available tc assist the civilian effort along the Mexican border.

We know that perhaps tens of thousands, if not hundreds of thousands, of personnel are available for that effort, but as their involvement has begun to unfold over the last 8 or 10 months, it becomes apparent to me that the more and more lawyers that we get involved in the operation, the more and more complicated the problem seems to get trying to utilize the vast resources that we have and we have been unable to do that. We have legal opinion after legal opinion preventing them from doing a variety of things that need to be done. If you throw in the State Department, then it even complicates the problem further to the point where some of these problems almost have no solution.

I know that you are already aware of some of these problems, but I would like to go over some of the things that I personally am aware of. These are only a few of the things that have come to light when we have tried to utilize the military in a support role along the Mexican border. A good example, I think, is the tunnel down in Douglas a couple months ago. When that thing was discovered, it took several weeks to try to get what in my judgment seemed to be a simple request fulfilled, and it is because of the level of decisionmaking that these requests have to go through. In that particular case, my understanding is that the request had to go all the way to the Secretary of Defense. I know that the military is painfully aware of this problem and has been trying to do something to modernize, to streamline, to be able to respond in a more timely fashion, but my gut feeling, my paranoia, my sinister nature tells me that this is going to continue to be a problem and primarily because of the State Department.

We have a desperate need for narcotics dogs, which are readily available, for example, at D-M, Davis-Monthan. To this date we have been unable to use those dogs, which are desperately needed at the ports of entry. We are unable to utilize the military to cross private property to assist in the establishment of sensors along the border due to a legal decision from somewhere. We have a desperate need for assistance, for example, with our wire taps. We have to have translators, and the military has hundreds of translators available, but they have an opinion that they cannot use them for that purpose. They are not able to get involved in any area where intelligence on American citizens is processed, even if they are narcotraffickers across the border. They have the latest equipment and infrared imagery with their aircraft where vehicles and people can be surveiled on the ground. They can vector in civilian law enforcement officers. For reasons that I have difficulty trying to fathom, that equipment is not available, so what I am saying to you is I sense a tremendous spirit on the part of the military.

I know that General Stotser, who is here today, and the Arizona National Guard have just been super in trying to do what they can. They have really become involved in our day-to-day operations. They really want to get out there and help us, but it seems to me that their hands are tied and somebody needs to untie them.

From the State and local perspective, and you already addressed the problem of local funding, but going back 4 years to the establishment of Operation Alliance. You may recall that everybody was touting this multiagency approach to stopping the flow of narcotics across the Mexican border. One of the key areas was going to be the participation of State and local personnel, and to this date not one penny of money has been spent by the Feds for that particular purpose. We had Secretary Bennett out, I believe in March, in Tucson and about 6 weeks ago I spoke with Judge Walton and they both flatout told me that there is not any money for State and local participation nor was there going to be any money for that purpose. In my judgment we are really not taking advantage of valuable resources that are out there. State and local governments simply do not have the resources to stop what they are doing and be of help with the border problem, and I think if you want State and local participation, somebody is going to have to force the issue.

Thank you very much.

[The statement follows:]

STATEMENT OF CLARENCE DUPNIK

THANK YOU FOR AFFORDING ME THE OPPORTUNITY TO OFFER MY COMMENTS CONCERNING THE HIGH INTENSITY DRUG TRAFFICKING AREA STRATEGY.

I APPLAUD SECRETARY BENNETTS DECISION TO DESIGNATE THE SOUTHWEST BORDER AS A HIGH INTENSITY TRAFFICKING AREA. CERTAINLY BY DOING SO, HE HAS UNDERSCORED WHAT MANY OF US HAVE KNOWN FOR SOME TIME, WE HAVE A TERRIBLE SMUGGLING PROBLEM ON THE U.S./MEXICAN BORDER.

HERE IN ARIZONA ALONE WE HAVE NEARLY 400 MILES OF INTERNATIONAL BORDER, MUCH OF WHICH IS UNPROTECTED BECAUSE OF ITS SHEER VASTNESS.

THERE ARE APPROXIMATELY 120 MILES OF ISOLATED BORDER WITH MEXICO IN YUMA COUNTY PROVIDING THE TRAFFICKERS WITH UNLIMITED ACCESS TO SMUGGLING ROUTES. IN PIMA COUNTY WE DEAL WITH 150 MILES OF BORDER ADJACENT WIDE EXPANSES OF THE TOHONO O'ODHAM INDIAN RESERVATION, THE CABEZA PRIETA FEDERAL WILDLIFE REFUGE, AND THE ORGAN PIPE CACTUS NATIONAL MONUMENT. IN SANTA CRUZ COUNTY WE HAVE THE LARGEST PORT OF ENTRY IN ARIZONA IN NOGALES. HERE SUBSTANTIAL QUANTITIES OF LEGITIMATE COMMERCE IS COMPROMISED BY TRAFFICKERS SMUGGLING CONTRABAND INTO THE UNITED STATES. FINALLY, IN COCHISE COUNTY, LAW ENFORCEMENT DEALS WITH 84 MILES OF SOME OF THE MOST NOTORIOUS SMUGGLING ROUTES IN THE SOUTHWEST IN AND AROUND THE SAN RAFAEL VALLEY NEAR DOUGLAS.

THE LATEST INTELLIGENCE INDICATES THAT UP TO 80% OF ALL NARCOTICS COMES INTO THE U.S. ACROSS THE MEXICAN BORDER. IN ADDITION, MEXICO IS THE CHIEF TRANSSHIPMENT

COUNTRY FOR COLUMBIAN COCAINE MOVING INTO OUR COUNTRY USING ROUTES THAT HAVE BEEN USED FOR GENERATIONS BY SMUGGLER ORGANIZATIONS. HOWEVER, WE ARE NOW DISCOVERING THAT COCAINE PROCESSING LABORATORIES ARE SURFACING IN MEXICO. COCA PASTE IS NOW BEING AIRLIFTED INTO MEXICO TO PROCESS INTO COCAINE. AS SUCH, MEXICO IS NOW BEING USED FOR MORE THAN JUST A TRANSSHIPMENT COUNTRY.

I'D LIKE TO SPEAK FOR A FEW MOMENTS ABOUT THE ROLE OF THE MILITARY IN THE COUNTERNARCOTICS EFFORT ALONG THE SOUTHWEST BORDER.

I'D FIRST LIKE TO SAY THAT WE ALL APPRECIATE THE SINCERE EFFORTS SHOWN THUS FAR BY THE MILITARY -- BOTH THE NATIONAL GUARD AND THE FEDERAL FORCES. OVER THE PAST ELEVEN MONTHS, I'VE NOTICED A MARKED IMPROVEMENT IN THE COORDINATION AND COOPERATION BETWEEN THE VARIOUS CRIMINAL JUSTICE AGENCIES, THE NATIONAL GUARD AND THE FEDERAL FORCES UNDER THE AUSPICES OF JOINT TASK FORCE SIX. THE EFFORTS ARE SINCERE AND WE HAVE SEEN SOME CORRESPONDING GOOD RESULTS. SO I WOULD LIKE TO EXPRESS OUR THANKS TO BOTH GENERAL OWENS, GENERAL STOTSER AND THE PERSONNEL WORKING FOR THEM.

ALL THESE GOOD EFFORTS NOTWITHSTANDING, I THINK THAT WE ALL REALIZE THAT WE HAVE NOT YET MADE A SIGNIFICANT IMPACT ON THE FLOW OF ILLEGAL DRUGS ACROSS OUR BORDERS. AT BEST WE'VE ONLY CAUSED THE PRICE TO GO UP SLIGHTLY IN SOME AREAS. WHAT WE'VE GOT TO DO IS TO PRESS HARDER, TO INTENSIFY OUR EFFORTS. OUR CHILDREN, FAMILIES AND SOCIETY AT LARGE ARE STILL FALLING PREY TO THE CANCER OF ILLEGAL DRUGS.

WITH RESPECT TO THE MILITARY, I THINK THAT THEY CAN AND WANT TO DO MORE TO ASSIST THE CRIMINAL JUSTICE COMMUNITY IN ITS EFFORTS TO STOP THESE ILLEGAL DRUGS. I THINK THAT IT IS NOW UP TO THE LAW MAKERS TO ENABLE THEM TO DO SO. ALTHOUGH THE MILITARY HAS THE PERSONNEL, EQUIPMENT AND THE WILL TO TAKE A MORE ACTIVE ROLE, LEGAL AND POLICY RESTRICTIONS HAVE PREVENTED THEM FROM DOING SO, THUS ALLOWING DRUGS TO CONTINUALLY POUR ACROSS OUR BORDERS.

I WOULD LIKE TO SHARE WITH YOU SOME IDEAS ON HOW WE CAN ENABLE THE MILITARY TO BETTER SUPPORT OUR CRIMINAL JUSTICE EFFORTS.

BEFORE I ENUMERATE THESE ISSUES, I WOULD LIKE TO STRESS THAT I AM NOT ADVOCATING THE MILITARIZATION OF THE UNITED STATES BORDER. NOR AM I ADVOCATING GIVING THE MILITARY A FREE HAND IN ENFORCING THE CIVIL LAWS OF OUR COUNTRY. EACH OF THE SUBJECTS THAT I WILL ADDRESS IS DONE SO WITH THE UNDERSTANDING THAT THE MILITARY WILL BE WORKING AT THE REQUEST AND UNDER THE DIRECTION OF A DULY EMPOWERED CRIMINAL JUSTICE AGENCY. THAT CRIMINAL JUSTICE AGENCY WILL ENSURE THAT EACH OPERATION IS CONDUCTED TO THE LETTER AND INTENT OF THE LAWS OF OUR LAND.

THE FOLLOWING ISSUES ARE NOT IN ORDER OF PRIORITY, BUT ALL NEED TO BE RESOLVED.

FIRST, I BELIEVE WE SHOULD MODIFY THE RESTRICTIONS ON THE ABILITY OF THE MILITARY TO GATHER AND PROCESS INTELLIGENCE ON INDIVIDUALS ENGAGED IN NARCOTICS TRAFFICKING. I WOULD LIKE TO STRESS THAT THIS WOULD NOT

BE A GENERAL "GO AHEAD" FOR INTELLIGENCE ACTIVITIES DIRECTED AGAINST UNITED STATES CITIZENS. WHAT IT WOULD DO IS ALLOW LAW ENFORCEMENT AGENCIES TO UTILIZE MILITARY PERSONNEL AS THE "BACKUP" OR "SECOND MAN" IN LEGALLY AUTHORIZED WIRE TAP OR SURVEILLANCE OPERATIONS. AS IT STANDS NOW, THE LAW ENFORCEMENT AGENCIES, BY THEMSELVES, DO NOT HAVE THE MANPOWER ASSETS. MANY OF THESE CRIMINALS ARE ALLOWED TO CONTINUE TO POISON OUR CHILDREN FOR THEIR OWN GREED BECAUSE OUR LAW ENFORCEMENT AGENTS DON'T HAVE THE MANPOWER TO CONDUCT SUCH OPERATIONS AGAINST THEM. IN THE CASE OF WIRE TAPS, WE ARE AUTHORIZED TO HIRE CIVILIAN SPANISH SPEAKERS TO MONITOR THESE CONVERSATIONS, BUT WE DO NOT HAVE THE FUNDS TO DO SO. THE MILITARY HAS HUNDREDS, IF NOT THOUSANDS, OF SUCH INDIVIDUALS. IN SHORT, THE MILITARY COULD DOUBLE OR TRIPLE OUR MANPOWER POOL WITH NO ADDITIONAL COST TO THE TAXPAYER AND GET SOME OF THESE CROOKS BEHIND BARS.

THE SECOND ISSUE CONCERNS THE RESTRICTIONS ON FEDERAL FORCES' ACCESS TO PRIVATE LANDS. UNLIKE THE LAW ENFORCEMENT OFFICIALS WHICH THEY SUPPORT, FEDERAL FORCES ARE NOT ALLOWED TO SET FOOT ON PRIVATE LAND WITHOUT THE EXPRESSED WRITTEN PERMISSION OF THE LANDOWNER. WHAT THIS TRANSLATES TO IS THAT A MILITARY GROUND SENSOR OPERATION, FOR EXAMPLE, IN SUPPORT OF THE BORDER PATROL MAY BE DEGRADED BECAUSE THE MILITARY, UNLIKE THE BORDER PATROL, CANNOT PLACE THEIR SENSORS ON PRIVATE LAND WITHOUT LANDOWNER PERMISSION. IF THE OPERATION IS EXTREMELY SENSITIVE IN NATURE OR IF THE LANDOWNER HIMSELF IS SUSPECTED IN THE TRAFFICKING, THEN THIS

PERMISSION WILL NOT BE GIVEN. IN SOME CASES, LAND OWNERS ARE HESITANT TO GIVE SUCH PERMISSION FOR FEAR OF REPRISALS FROM NARCOTICS TRAFFICKERS. THE SAME THING GOES FOR OBSERVATION POST OPERATIONS AND THE LIKE. AGAIN, I AM NOT ADVOCATING FREE ACCESS FOR MILITARY TROOPS -- SIMPLY AUTHORIZATION TO ACCOMPANY DULY EMPOWERED LAW ENFORCEMENT OFFICERS OR TO CONDUCT OPERATIONS IN SUPPORT OF THESE WITH A SPECIFIC SET OF OPERATIONAL GUIDELINES.

THE THIRD ISSUE IS THE USE OF MILITARY DRUG DOGS. WE'VE EXPERIENCED NUMEROUS LEGAL ROADBLOCKS TO THE USE OF MILITARY DOG HANDLERS AND THEIR DOGS IN COUNTERNARCOTICS OPERATIONS. THERE ARE SUCH DOGS AT DAVIS MONTHAN AIR FORCE BASE, FOR EXAMPLE, BUT U.S. CUSTOMS CANNOT UTILIZE THEM TO SNIFF CARS CARRYING THOUSANDS OF POUNDS OF NARCOTICS ACROSS OUR BORDERS TO OUR CHILDREN. SOMEHOW THIS JUST DOESN'T MAKE SENSE. LET'S GET THESE HANDLERS AND DOGS OUT THERE WHERE WE NEED THEM, AGAIN UNDER THE DIRECTION OF A DULY EMPOWERED LAW ENFORCEMENT AGENCY.

THE LAST ISSUE HAS TO DO WITH THE USE OF MILITARY AIRCRAFT IN SUPPORT OF LAW ENFORCEMENT OPERATIONS. THE MILITARY HAS SCORES OF SPECIAL OPERATIONS AIRCRAFT WHICH COULD BE USED TO CARRY LAW ENFORCEMENT OFFICERS TO MARIJUANA FIELDS, TO MONITOR SMUGGLER ROUTES, TO CONDUCT INFRARED MONITORING AT NIGHT AND THE LIKE. DUE TO CURRENT RESTRICTIONS, THESE THINGS JUST ARE NOT BEING DONE. I.R. IMAGERY EQUIPMENT, FOR EXAMPLE, CAN SPOT METHAMPHETEMINE LABS AT NIGHT; THEY CAN VECTOR

GROUND-MOBILE LAW ENFORCEMENT OFFICERS ONTO CRIMINAL VEHICLES OR FOOT TRAFFIC; AND COUNTLESS OTHER POSSIBILITIES. INSTEAD, WHAT WE'RE TOLD IS THAT THE MILITARY IS LEGALLY PROHIBITED FROM DOING SUCH THINGS.

ANOTHER ISSUE HAS TROUBLED ME FOR SOME TIME AND I WOULD LIKE TO TAKE A MOMENT TO DISCUSS MY POSITION ON HIDA FUNDING.

AS YOU KNOW, THERE ARE TWENTY-FIVE MILLION AVAILABLE DOLLARS OF ANTI-NARCOTICS FUNDING MAKING THEIR WAY TO HIDA LAW ENFORCEMENT AGENCIES. UNFORTUNATELY, THAT DESPERATELY NEEDED MONEY IS EARMARKED ONLY FOR FEDERAL LAW ENFORCEMENT AGENCIES. ATTEMPTS BY SEVERAL SHERIFFS AND CHIEF OF POLICE TO PERSUADE MR. BENNETT TO DIVERT SOME OF THAT FINANCIAL ASSISTANCE TO STATE AND LOCAL BORDER LAW ENFORCEMENT AGENCIES HAVE FALLEN ON DEAF EARS. I PERSONALLY HAVE SPOKEN TO MR. BENNETT AND JUDGE REGGIE WALTON ABOUT THIS MATTER WITH ABSOLUTELY NO SUCCESS.

STATE AND LOCAL AGENCIES ARE WILLINGLY BEING PRESSED INTO THE BORDER WAR ON DRUGS, BUT ARE BEING TOTALLY ABANDONED BY THE FEDERAL GOVERNMENT WHEN IT COMES TO FINANCIAL SUPPORT. TESTIMONY HERE CONTINUES TO REVEAL THAT THE VAST MAJORITY OF NARCOTICS FLOWING ACROSS THE U.S./MEXICAN BORDER IS IN TRANSIT TO OTHER PARTS OF THE COUNTRY. TO ASK LOCAL AGENCIES TO PARTICIPATE IN THIS WAR TOTALLY FUNDED BY LOCAL TAXPAYER DOLLARS, I'M SURE YOU AGREE, IS PATENTLY UNJUST.

IF MR. BENNETT IS CONCERNED ABOUT STATE AND LOCAL AGENCIES FRIVOLOUSLY USING HIDA MONEY FOR OTHER THAN ITS

INTENDED PURPOSE, I WOULD SUGGEST THERE ARE METHODS TO PREVENT SUCH OCCURRENCES. LET'S NOT THROW OUT THE BABY WITH THE BATH WATER. I STAND READY TO INCREASE MY DEPARTMENT'S COMMITMENT TO THE WAR ON DRUGS, BUT I AM LITERALLY KNOCKING ON POVERTY'S DOOR.

THE PRESIDENT HAS DECLARED DRUG TRAFFICKING TO BE A MATTER OF NATIONAL SECURITY AND I COMPLETELY AGREE WITH HIM. IT'S NOW UP TO ALL OF US TO GET SERIOUS ABOUT THIS TRAGIC PROBLEM.

Senator DECONCINI. Sheriff Dupnik, thank you very much. Obviously that is where you think any additional funds for high-intensity drug trafficking areas, or at least some of it, should go, to State and local programs for some of their needs. In your case, you have a task force in Pima County, do you not?

Sheriff DUPNIK. We do.

Senator DECONCINI. What would you use the funds for and how do you assure that the local law enforcement will not substitute the Federal funds for what they might have planned to use themselves? How do you suggest you do that?

Sheriff DUPNIK. Senator, there is an easy way to do that and that is to make the money available for a specific purpose, and the specific purpose would be for drug interdiction at the border. You draw up a grant request requesting the money for that particular purpose and then you use it as such.

Senator DECONCINI. Would your priority be the task force funding if you had some assistance to expand the task force or where do you propose——

Sheriff DUPNIK. Well, one of the things that is happening, Senator, is Operation Alliance has begun to decentralize its operations, if you will, and is taking a more geographical approach, which I think is in order along the border. For example, in Arizona we now have only an Operation Alliance planning committee which looks only at the Arizona border. We are working together with Customs, border patrol, with the department of public safety, the National Guard, the military and so forth to actually look at our border as a single entity and we are in the planning stage of various operations along that border. That is a perfect place for agencies like the department of public safety, the Pima County Sheriff's Department, and other State and local agencies to get involved in those operations.

Senator DECONCINI. Has your office made any requests themselves to the military?

Sheriff DUPNIK. Yes; we have.

Senator DECONCINI. And have you had any response or are you still waiting for such?

Sheriff DUPNIK. We are at the present time awaiting some resources from the Arizona National Guard to assist us in some of our task forces in Tucson, yes.

Senator DECONCINI. Thank you very much, Sheriff, that is very helpful.

CITY OF YUMA

STATEMENT OF ROBBIE ROBINSON, CHIEF OF POLICE

Senator DECONCINI. Chief Robinson, we are pleased you are here with us today. We asked you in particular to come here because we think the rural areas are sometimes left out as we try to divvy up a small pot of Federal dollars for law enforcement in the high-intensity drug trafficking areas, so we welcome your contribution today.

Chief ROBINSON. Thank you, Senator, to you and your staff. I appreciate the opportunity to come today to offer some testimony. Just briefly I would offer that we were, in Yuma, not consulted and felt it important that Yuma County, Yuma City, and also the Southwest Border Alliance have some opportunity to explain to you what are some of the things that we see as necessary in a rural, fairly isolated, fairly small police department and county sheriff's office.

The cooperation of the multijurisdictional task force approach, in our judgment, is clearly a successful way of dealing with some of the drug problems. One of the things that we see as very important is the continued cross designation of agents that are involved in the Federal level so that enforcement can be done from whatever jurisdiction is appropriate. One of the things that is not unique to Yuma but certainly that we come up against is the fact that with the California border being as close as it is, with the different sectors and different regions, there are times when we have a case going on just across the border and it makes it very difficult keeping the California border distinct from the different sectors and regions. The cooperation is there, but again, we are dealing with people that are outside the State of Arizona. That makes it difficult for the operations to occur across the California border.

The current state of cooperation in Yuma County between the Drug Enforcement Administration, U.S. Customs, and the border patrol I feel is clearly an indication of the success that can be had. The decisionmaking is done at the task force level and all the main decisionmakers, if you will, have 100 percent support in the efforts that go on in Yuma County. The technical support that has been offered is important to us primarily because of our isolated and remote location inside the State of Arizona. We are constantly with our hands out at times asking for manpower, money for investigations, courts for wiretaps, and things of that nature.

One of the things that I would like to emphasize—I agree with Sheriff Dupnik when he mentioned the cooperation we have gotten from the military and from the Arizona National Guard. JTF-6 came through and it is a very fine presentation, but as you are aware, in the drug enforcement business a 30-day or 90-day turna-

round for requests is not going to get the job done. One of the things that we are real proud of in Yuma is the cooperative effort and the fact that we understand that Customs and DEA are planning a new facility there that will be shared, I think, by both DEA and Customs. I believe that SBA is also involved in that.

I would just offer briefly that I think the role of the military and the role of the Department of Defense need to be clearly defined for the locals so that we know what to expect. I do not think as a smalltown chief a lot of times I am fully aware of everything that can be provided for us. The representatives from Operation Alliance and JTF-6 have made it very clear they would cooperate any way they could, but I think a lot of times we run into the same problem Sheriff Dupnik referred to, that the level of decisionmaking has to go so far, by the time a decision is made, frankly, it is too late.

One of the things we see as a potential benefit is in the remote areas we deal quite often with lab cases. Methamphetamine labs are discovered and investigated, and for a small community it makes it very difficult to investigate those. I think the military and DEA could be of great assistance if they were to assist us out there. One of the things is the amount of military we have in the Yuma community, with the Marine base and also the Army proving ground. We also come up against the same concerns as to the Posse Comitatus, as to what they are able to provide or not. Whether it is a drug dog or an overflight of the city or assistance on a wiretap, they all made the offer and made it very clear that they were willing to help at this point. We are not real sure how long that is going to take, and in our judgment, a 30-day turnaround, even a week turnaround, is really not going to do the job for us. Having to share in the facilities, sharing of communications networks, the sharing of radios, whatever technical supports that can be provided, would be of great help.

We have had some success in Yuma County and I am sure it will continue, but the involvement of the military, the involvement of how many agents we are going to have on the border, whether it be border patrol or DEA or Customs, I think is a prime concern for us. The local military commanders, I would offer, are very willing to help, but I think at times their hands are tied, and they are unable to provide the assistance we need.

Thank you.

[The statement follows:]

STATEMENT OF ROBBIE ROBINSON

I would like to thank Senator DeConcini and his staff for the opportunity to address the Sub-Committee on this most important issue. As Chief of Police of the City of Yuma, Arizona and an 18 year veteran of Municipal Law Enforcement, I would offer the following comments which are intended to give a brief overview of the drug problems in Yuma County and Southwest Arizona.

Yuma County is located in the far southwestern corner of Arizona, bordering Mexico to the south and California to the west. Total land area comprises 5,561 square miles. The Mexican - United States border runs approximately 100 miles between San Luis, Arizona, on the west and the Maricopa County line on the east. San Luis, Arizona is located 23 miles southwest of the City of Yuma. The International Port of Entry is located at San Luis and serves the Mexican City of San Luis, Rio Colorado, Sonora. San Luis, Rio Colorado, has an estimated population of 200,000.

Yuma County is served by an International Airport - estimated incoming passengers in 1989 were 140,000. The County is bisected by U.S. Interstate 8 [east to west] providing access to southern California and the urban areas of Phoenix and Tucson. State Route 95 serves the County north and south connecting to Interstate 10.

The urbanized centers located in the County are the Cities of Yuma, Somerton, San Luis and Wellton. The population of Yuma County is estimated at nearly 100,000 year round residents. A large winter visitor population causes a seasonal increase in population in the County estimated at 30,000 to 50,000 people.

The unemployment rate in Yuma County is estimated at 16%. The per capita personal income in 1987 was $11,115.00.

Yuma County's leading industries are agriculture, government and tourism. The United States Military has a large presence in Yuma County with two large bases: the United States Marine Corps Air Station, Yuma, and the United States Army's Yuma Proving Ground, located approximately twenty-five miles northeast of Yuma.

In 1988 Arizona Uniform Crime Report estimated the Indexed Crimes in Yuma County at 59 crimes per 1,000 residents.

Because of these remote and fairly isolated conditions, Yuma County and Southwest Arizona are prime locations for drug smuggling operations. Yuma's proximity to the Mexican border and the border of California creates an ideal location for drug smugglers to translocate drug shipments for distribution in California and the Midwest.

In an attempt to address the drug problems in Yuma County, the Southwest Border Alliance was formed in March 1987. With the assistance of United States Customs, Yuma County and the City of Yuma, a cooperative multi-agency Task Force was formed to fight the drug problem.

During the past three years, the hallmark of the Southwest Border Alliance has been the cooperative nature of this unusual Alliance. Federal, State, County and City officers have continued to work together through a myriad of complex problems and complicated cases.

The participating agencies have a strong commitment to the Alliance; that commitment is continually being reinforced by the intense personal commitments of the Agents assigned to the Unit. The inter-dependent

nature of the multi-agency Task Force was never more apparent than at the inception of the Unit, when U.S. Customs took an active role in facilitating its formation.

Through the strong leadership and farsightedness of those who originated the Task Force approach, the Unit survived tough going in the beginning and continues to be successful in a very hostile environment. The mutually supportive nature of the Alliance has been strengthened by the in-house presence of the U.S. Border Patrol and the Drug Enforcement Administration.

The County and local municipalities have derived an increased level of drug enforcement and continues to gain through their involvement with the Alliance. At the same time, the Federal Agencies have benefited by their increased involvement in the local communities and through the increased exchange of intelligence information with all the agencies involved. Listed below are some of the achievements of the Southwest Border Alliance during the past three years:

PARTICIPATING AGENCIES

United States Customs Service
Drug Enforcement Administration
United States Border Patrol
Arizona Department of Public Safety
Arizona Western College
Yuma County Attorney's Office
Yuma County Sheriff's Office
Somerton Police Department
Yuma Police Department

The City of San Luis and the City of Wellton are within the area of operation but do not have personnel assigned to the Unit at this time.

PERFORMANCE INDICATORS

Total Cases:	784
Total Arrests:	845

Drug Seizures

Marijuana	13,856 lbs.
Cocaine	2,684 lbs.
Methamphetamine	5 lbs.
Heroin	8.5 lbs.
Dangerous Drugs	1,463 doses

Non-Drug Seizures

$15,000 in misc. stolen property
6 residences, estimated value: $632,000
87 vehicles
47 weapons
$2,612,004.00 in currency

Senator DECONCINI. Thank you, Chief. Your department is part of the county task force there?

Chief ROBINSON. That is correct.

Senator DECONCINI. Which, as I understand it, is composed of local and Federal law enforcement agents that are on the border; is that correct?

Chief ROBINSON. Yes, sir; in 1987 the Southwest Border Alliance was formed with Yuma County sheriff's deputies, city police officers, Customs agents, the department of public safety in Arizona, and now we have border patrol, the Drug Enforcement Administration, and some much smaller cities. We even have an officer from a local community college.

Senator DECONCINI. You are suggesting that some cross designation be considered of these local task force members so that they can, in essence, make Federal arrests?

Chief ROBINSON. Well, I am not sure that we would support having everybody cross designated, but I think the process of having the Customs agents and the DEA people and border patrol cross designated, you know, so the type of cases——

Senator DECONCINI. You are talking among the Federal agencies, not trying to cross designate any of the locals?

Chief ROBINSON. I do not think at this point that would be a necessity.

Senator DECONCINI. Do you know if that has occurred in Yuma County? I am told it has——

Chief ROBINSON. Yes; it has.

Senator DECONCINI [continuing]. Between Customs and DEA and border patrol.

And is it essential, in your opinion?

Chief ROBINSON. I think it is very successful and I think it leads to a quick resolution of whose jurisdiction it is. It can all be handled under one roof.

Senator DECONCINI. Do you see anyplace where the need could be improved in the cross designation? We are fortunate in Arizona, in my opinion, to have both the DEA and Customs Service in charge here and they have made it work. That is not true everyplace else, and I am really looking to see if that is——

Chief ROBINSON. I think it is true, and I think it has been very successful.

Senator DECONCINI. Thank you very much.

Sheriff DUPNIK. Senator?

Senator DECONCINI. Yes?

Sheriff DUPNIK. In addition, one of the things that occurred in the last Arizona Legislature, we were successful in getting a bill passed which allows the county sheriffs to cross designate to deputize Arizona State agencies——

Senator DECONCINI. To make arrests?

Sheriff DUPNIK. That is correct, to cite people under the State courts and to utilize the broader powers in some instances of a State peace officer.

Senator DECONCINI. Has that occurred?

Sheriff DUPNIK. It has not yet because we are trying to put a plan together to implement it. In addition, there was a serious flaw

in the law, for reasons unknown to me. The border patrol was left out, and they are the key player.

Senator DECONCINI. They certainly are. Thank you for that information. I was not aware of that.

Mr. Ayars, thank you for being with us. You are involved as one of the representatives of Operation Alliance as well, I understand, and I welcome your leadership and the tremendous amount of cooperation your organization has given to local law enforcement, as I have been told many, many times. Please proceed.

ARIZONA DEPARTMENT OF PUBLIC SAFETY

STATEMENT OF COL. F.J. AYARS, DIRECTOR

Mr. AYARS. Thank you, Senator. I appreciate the opportunity. For a great many of the past years the department of public safety in Arizona and all of the Arizona law enforcement agencies have been battling in this war against drugs, since we are on the front line on the Mexican border. But like any other war, we have our victories and suffer some of our losses. The one issue that can be identified that has limited our success and predetermined our losses over the years has been our lack of ability to completely coordinate our efforts, and you are hearing some of that explained here today, to coordinate our efforts both within the State and with the Federal agencies.

I believe we have got one of the best coordinated efforts going, but we have got some distance to go. The establishment of Operation Alliance and the designation of the Southwest border as a HIDTA, I feel, are the foundation upon which to build our coordinated effort. This coordination was enhanced when the Operation Alliance group invited representatives from the States to participate in the authors' convention in El Paso that allowed direct input into the development of the Southwest border strategy. I had a command officer attend that from the department of public safety. I am pleased with what I see developing as a coordinated strategy.

The strategy that was assembled by the convention was designed to address the problems as they were viewed from the law enforcement perspective particularly, with the smuggling, the money laundering, the corruption being identified as the major concerns. This convention developed a comprehensive strategy that included the collection, analysis, and dissemination of intelligence data, the integration of the military with its vast resources and capabilities into our enforcement program, and the realignment or relocating of personnel and equipment to enhance the ports of entry and counter the smuggling threat between the ports.

As the establishment of Operation Alliance was our foundation for a coordinated effort, the funding proposals submitted to this subcommittee are the foundation of our, and I emphasize our, drug control plan. It is mandatory that we have an effective communication system. It is mandatory that we ensure our operations are free of corruption. It is mandatory that we provide the necessary specialized investigative equipment as indicated in the plan. And it is mandatory that we expand on the number of Federal personnel that are located in this region to support the plan.

As director of the department of public safety and a member of Operation Alliance, I support the proposals that have been prepared and are before you today. However, I would be remiss if I did not also express my concerns. First, the State and the local agencies are to be full partners in this program, and as such, the States are being asked to place additional resources into the Operation Alliance plan. This comes at a time when present enforcement programs place a tremendous burden on current resources and during a period when State funding is in a critical dilemma. Future allocations must make allowance for States' participation and provide for direct funding for States to participate and direct funding for the local agencies to participate with Operation Alliance.

Second, and this is as much a mandate to our operation as it is to this subcommittee, we must be cognizant of our existing organizational structures so that we channel any new or additional resources to change, to adapt, to enhance those existing structures before we build new ones. Specifically, we should be cautious of developing a national narcotics intelligence center when existing facilities could possibly handle this function with increased funding available to them.

PREPARED STATEMENT

In closing, I would not want to leave this subcommittee with the impression that the proposals before you be reallocated to include more direct State funding when, in fact, it is my intention to advise you that as future budgets come before you, they should, and I expect will, include the State directly.

[The statement follows:]

STATEMENT OF COL. F.J. AYARS

Ladies and gentlemen, thank you for the privilege and the opportunity to speak on the Southwest Border High Intensity Drug Trafficking Area.

For a great number of years, the Arizona Department of Public Safety and all other Arizona law enforcement agencies have been battling the war against drugs. Like any other war, we have had our victories and suffered our losses. We have attacked this problem in a variety of ways from a number of levels. However, if there is one issue to be identified that has limited our successes and predetermined our losses, it has been our failure to properly and effectively coordinate our efforts.

The establishment of Operation Alliance and the designation of the Southwest Border as a "High Intensity Drug Trafficking Area," are the foundation on which to build our coordinated effort. This coordination was enhanced by the invitation of the state representatives to the Southwest Border Drug Control Strategy Authors' Convention in El Paso, Texas. This convention allowed the states to have direct input into the establishment of the border enforcement strategy.

The Drug Control Strategy assembled by this convention was designed to address the problems facing the southwest border communities. Smuggling, money laundering, and corruption being identified as the major concerns. The convention developed a comprehensive strategy that included the collection, analysis, and dissemination of intelligence data, the integration of the military with its vast resources and capabilities into our enforcement program, and the realignment or relocating of personnel and equipment to enhance the ports of entry and counter the smuggling threat between the ports.

As the establishment of Operation Alliance was our foundation for a coordinated effort, the funding proposals submitted to this subcommittee are the foundation of our, and I emphasize our, drug control plan.

It is mandatory that we have an effective communication system.

It is mandatory that we ensure our operations are free of corruption.

It is mandatory that we provide the necessary specialized investigative equipment.

It is mandatory that we expand on the number of federal personnel located in this region to support this plan.

As Director of the Department of Public Safety and a member of Operation Alliance, I fully support the proposals before you today. However, I would be remiss if I did not also express my concerns.

First, the states are a full partner in this program. As such, the states are being asked to place additional resources into the Operation Alliance plan. This comes at a time when present enforcement programs place a tremendous burden and during a period when state funding is in a critical dilemma.

Future allocations must make allowances for states' participation and provide for direct funding issues.

Second, and this is as much a mandate to our operation as it is to this subcommittee, we must be cognizant of our existing organizational structures so that we channel any new or additional resources to change those structures before we build new ones. Specifically, we should be cautious of developing a national narcotics intelligence center when existing facilities could possibly handle this function with increased funding.

In closing, I would not want to leave this subcommittee with the impression that the proposals before you be reallocated to include more direct state funding, when in fact, it is my intention to advise you that additional funding is needed if a coordinated effort is to be successful. Again, let me assure you that I support the program and proposals before you and will do anything within my power to make them successful.

Thank you for giving me this opportunity to address a most serious problem.

Senator DECONCINI. Thank you. Director Ayars, were you contacted as part of Operation Alliance as to what was needed here?

Mr. AYARS. Yes, Senator.

Senator DECONCINI. And did you have some contact with local law enforcement on the subject matter, as well?

Mr. AYARS. In terms of making direct contact with all of the agencies in the State and the task forces and in the criminal justice commission, no, and I think that probably is something we need to develop within the State. Sheriff Dupnik and I represent the State of Arizona on the Operation Alliance Joint Command Group and I think we need to develop that.

Senator DECONCINI. If the Congress is to take a portion of the funds for the high-intensity drug trafficking areas and set them aside specifically for State enforcement purposes, would you recommend that it be under the Bureau of Justice Assistance for grants or directly to the drug czar's designated representative in the high-intensity drug trafficking areas? Which one would be better for Arizona law enforcement, in your opinion?

Mr. AYARS. Well, whichever one would result in the ability of that money coming through the process that would allow the criminal justice commission to set up to distribute and prioritize plans.

Senator DECONCINI. Whichever one would get it to them the quickest?

Mr. AYARS. Yes.

Senator DECONCINI. Which we do not know.

Mr. AYARS. I do not know, but that is the process, and it could come in block form so it would be prioritized by the State of Arizona.

Senator DECONCINI. Mr. Holgerson, what do you think is the best way for it to be handled, if you had a preference? Should it come through BJA or go to the drug czar's high intensity area?

Mr. HOLGERSON. I would tend to agree with Director Ayars.

Senator DECONCINI. Whichever one works out?

Mr. HOLGERSON. Whichever one gets it out here. Even Director Bennett has complimented us on getting money in here and out of here.

Senator DECONCINI. He told me that also.

Mr. HOLGERSON. We do have an elaborate functioning system in place and it has the participation of the entire criminal justice system, so I believe——

Senator DECONCINI. Well, we do not know maybe until we try it, huh?

Mr. HOLGERSON. That is right.

Senator DECONCINI. See which one would be the most effective, because I think the committee intended to write into the law some designation that future funds, in 1991 and beyond, be directed to local law enforcement.

Thank you.

OFFICE OF THE MARICOPA COUNTY ATTORNEY

STATEMENT OF RICHARD M. ROMLEY, COUNTY ATTORNEY

Senator DECONCINI. Mr. Romley, we are very pleased to have you here as Maricopa County is one of the six counties in Arizona designated as a high-intensity drug trafficking area. I know you have your hands full, your office is expanding, and you have a sterling record in your support of drug enforcement efforts as a county attorney in Arizona. Thank you, and we look forward to your comments.

Mr. ROMLEY. Thank you, Senator. Let me thank you for the opportunity to appear here today and to personally thank you for the leadership role you have taken over the years on the drug issue. It is difficult and at times very straining, and I personally wish to thank you, and that is for myself.

Maricopa County occupies a unique position in the drug trafficking scheme, both regionally and nationally. As a metropolis with large banking and financial institutions and not far from the Mexican border, Maricopa County is a major transit point for drug wholesalers and for money laundering operations.

I honestly believe we have responded decisively to the drug problem in Maricopa County; indeed, I believe that there has never been a period of time compared to the last 5 years where drug issues have been addressed more strongly. For example, as a way of illustration, in 1984 there was 2,201 cases submitted to my office involving those individuals that possessed drugs illegally. In 1989 we received over 5,276 cases for the same offense, which is an increase of 139.7 percent. The conviction rate during this period increased 84 percent. This does not include nor reflect those cases which were handled in our new drug program for first-time casual users, which is a prefiling diversion program, which is the Maricopa County Demand Reduction Program or more commonly known as the Do Drugs—Do Time Program.

In the same timeframe, 1984 to 1989, other types of drug offenses—sales, conspiracies, and trafficking—have increased from 1,684 cases in my office to 3,562, an increase of over 111.5 percent. Convictions were up 89.3 percent.

In 1984 there were 318 drug offenders sentenced to the State prison. In 1989 from my office 1,220 were sent to prison. That is a 283.7-percent increase in prison sentences handed out between 1984 and 1989.

These figures merely underscore the drug problem and the need for an integrative, cohesive national strategy to bring the epidemic, and associated criminal activity, under control, which brings me to the national drug control strategy and my perspective as Maricopa County attorney.

As a statement of objectives to be carried out under the umbrella of Operation Alliance, the strategy is laudable in concept. However, it raises a great many questions for which there appear to be few answers. The vague references and concepts outlined in the report are so broad and general in nature that we have little, if any, guidance as to how these measures will impact our drug problem. As the Maricopa County attorney, I would have appreciated being asked for input into the strategy development so that I could have given my ideas on what is working and not working in our region. However, I was not asked. Nevertheless, after reading the report, what I can comment upon is this:

The focus of supply reduction in the strategy is on border interdiction, stopping drugs at the border. This is of course an area of responsibility for the Federal Government, and it does have a role in the drug war. I have no doubt that the agencies involved in this work need more resources. However, I have a concern that too large of a share, virtually all of the moneys, of HIDTA resources is proposed for border interdiction. This approach, though important, will, at best, stop only an estimated 15 percent of the drug flow over the Southwest border. It is we, the local agencies, who must deal with the remaining 85 percent of the drugs.

Additionally, drug interdiction at the border does not address the escalating problems of other types of drug cases, such as methamphetamine, or speed, which is produced in our own urban and rural areas from chemicals available in the United States. Methamphetamine and the problems associated with it range from environmental hazards and explosive capabilities all the way to motorcycle gangs.

Another concern is that Operation Alliance is in overall control of the strategy. Reference is made to the use of the task forces that incorporate local law enforcement agencies. However, it is unclear which local agencies will participate and what role these agencies will play. Considering that Maricopa County is geographically removed from the border, the question of logistics arises; personnel, facilities, procurement, maintenance, and transportation. If the strategy plans to use local task forces in this interdiction effort, there currently is no mechanism whereby local law enforcement agencies may receive direct financial aid.

Moving to the topic of demand reduction, the objective is to standardize demand reduction programs to encompass all current Federal, State, and local enforcement programs. This is clearly impractical, if not impossible, for each jurisdiction has its own laws and problems which require specialized treatment. For example, our own demand reduction program, Do Drugs--Do Time, which has received national recognition, cannot be readily standardized.

However, it can be tailored, philosophically and practically, to fit the needs of other communities.

But now I want to talk about my primary concern, that the strategy, as written, in my opinion, fails to incorporate existing local programs of proven value. In my opinion, it would be far more cost effective to channel funding into the network of existing programs that are known to have merit than to keep adding new programs. An excellent local program that could use additional funding is the Phoenix International Airport drug interdiction task force. This is a task force made up of Federal, State, and local law enforcement agents. Again, it is a successful operation, it is already in place, and, with additional funding, it could expand its personnel and equipment to service the new terminal soon to be opened at Sky Harbor International Airport.

I would like to end my presentation by summarizing my major points, and I will try to do it as simply and concisely as possible. No. 1, I respectfully request that this subcommittee go back to the drafting committee and ask them specific questions about how the strategy will utilize local law enforcement agencies, how coordination of efforts will be achieved, how funding will be administered, and how the program priorities line up. At that time, and only then, will this body have a clear grasp of the issues and the ramifications of the decisions that need to be made.

Now, as a caveat, I recognize that these moneys, this initial year's moneys, need to be spent by, I believe, September 30. However, my personal recommendation is you should not implement a plan until you know the specifics, and perhaps we do not need to spend this money this year, perhaps it could be put into next year's budget, but we need to spend money on this program.

Additionally, it is important for the drafting committee to justify the creation of another Federal administrative bureaucracy that will consume significant resources in creating its own infrastructure, perhaps at the expense of local programs that have already demonstrated their value.

Second, the funding for border interdiction should be kept in perspective. At best, only 15 percent of the illicit drugs can be intercepted on the border. Local agencies must deal with the remaining 85 percent.

Third, I would like to see the subcommittee prioritize and put a priority on the local programs of proven value as a cost alternative to creating new Federal programs.

Again I wish to thank you very much, and if you have any questions, Senator, I would be pleased to respond.

[The statement follows:]

STATEMENT OF RICHARD M. ROMLEY

Thank you for this opportunity to appear before you this afternoon to give my testimony on implementing the Southwest Border Drug Control Strategy.

Maricopa County occupies a unique position in the drug trafficking scheme, both regionally and nationally. As a metropolis with large banking and financial institutions not far from the Mexican border, Maricopa County is a major transit point for drug wholesalers, and for money laundering.

We have responded decisively to the drug problem in Maricopa County; indeed, I believe that there has never been a period of local law enforcement activity to rival the past five years. By way of illustration:

In 1984, 2,201 cases were submitted to my office, dealing with individuals who possessed drugs illegally. In 1989, we received 5,276 cases for the same offense (an increase of 139.7%). The conviction rate during this period increased 84%.

These figures do not reflect those cases that were handled through a pre-filing diversion program, which is a feature of Maricopa County's Demand Reduction Program, "Do Drugs. Do Time."

In the same time frame--1984 to 1989--other types of drug offenses (including sales, conspiracies, and trafficking) have increased from 1,684 cases to 3,562 (an increase of 111.5%). Convictions were up 89.3%.

When we look at the prison data, we find that in 1984, 318 drug offenders were sentenced to State Prison;

in 1989, 1,220 were sent to prison. This is a 283.7% increase in prison sentences handed out between 1984 and 1989.

These figures merely underscore the drug problem, and the need for an integrated, cohesive national strategy to bring the epidemic, and associated criminal activity, under control. Which brings me to the National Drug Control Strategy, and my perspective as Maricopa County Attorney.

As a statement of objectives to be carried out under the federal umbrella of "Operation Alliance," the Strategy is laudable in concept. However, it raises a great many questions for which there appear to be few answers. The vague references and concepts outlined in the report are so broad and general in nature that we have little, if any, guidance as to how these measures will impact our drug problem. As the Maricopa County Attorney, I would have appreciated being asked for input into the Strategy development, so that I could have given my ideas on what is working, and not working in our region. However, I was not asked. Nevertheless, after reading the report, what I can comment upon, is this:

The focus of "Supply Reduction" in the Strategy is on border interdiction -- stopping drugs at the border. This is of course an area of responsibility for the federal government and it has a role in the drug war. I have no doubt that the agencies involved in this work need more resources; however, I have a concern that too large of a share (virtually all of the monies) of HIDTA resources is proposed for border interdiction. This approach, though important, will, at best, stop only an estimated 15% of the drug flow over the Southwest Border. It is we, the local agencies, who must deal with the remaining 85% of the drugs.

Additionally, drug interdiction at the border does not address

the escalating problems of methamphetamine, or "speed," which is produced in our own urban and rural areas from chemicals available in the United States. Methamphetamine, and the problems associated with it, range from environmental hazards to explosive materials to motorcycle gangs.

Another area of concern is that Operation Alliance is in overall control of the Strategy. Reference is made to the use of task forces that incorporate local law enforcement agencies. However, it is unclear which local agencies will participate and what role these agencies will play. Considering that Maricopa County is geographically removed from the border, the question of logistics arises: personnel, facilities, procurement, maintenance and transportation.

If the Strategy plans to utilize local task forces in its interdiction efforts, there currently is no mechanism whereby local law enforcement agencies may receive direct financial aid.

Moving to the topic of "Demand Reduction." The objective is to "standardize" demand reduction programs to encompass all current federal, state and local enforcement programs. This is clearly impractical, if not impossible, for each jurisdiction has its own laws and problems which require specialized treatment. For example, our own demand reduction program, "Do Drugs - Do Time," which has received national recognition, cannot readily be "standardized." However, it can be "tailored," philosophically and practically, to fit the needs of other communities.

Now I come to my primary concern: The Strategy, as written, fails to incorporate existing local programs of proven value. In my opinion, it would be far more cost effective to channel funding into the network of existing programs that are known to have merit than to keep adding new programs. Bureaucracy we don't need! An

excellent local program that could use additional funding is the Phoenix International Airport Drug Interdiction Task Force. This is a task force made up of federal, state and local law enforcement agents. Again, it is a successful operation; it is already in place; and, with additional funding it could expand its personnel and equipment to service the new terminal--soon to be opened--at Sky Harbor International Airport.

I will end my presentation by summarizing my major points and making my recommendations. I will do this as simply and concisely as possible:

1. I respectfully request that the subcommittee go back to the drafting committee with specific questions about how the strategy will utilize local law enforcement agencies, how coordination of efforts will be achieved, how funding will be administered, and how the program priorities line up? At that time, and only then, will this body have a clear grasp of the issues and the ramifications of the decisions that need to be made.

Additionally, it is important for the drafting committee to justify the creation of another federal administrative bureaucracy that will consume significant resources in creating its own infrastructure, perhaps at the expense of local programs that have already demonstrated their value.

2. The funding for border interdiction should be kept in perspective. At best, only 15% of the illicit drugs can be intercepted at the border. Local agencies must deal with the remaining 85%.

3. Priority should be given to local programs of proven value as a cost effective alternative to creating new federal programs.

Again, I am pleased to have been asked for my testimony in this matter, and I trust that if I can be of any further help, you will contact me. Thank you for your attention.

Drug Case Study
1984 compared to 1989

Filings

	1984	1989	% Change
Possession of Drugs	1,471	3,164	115.1
All Other Drug Cases	1,296	2,282	76.1
Total Drug Cases	2,767	5,446	96.8

Submittals

	1984	1989	% Change
Possession of Drugs	2,201	5,276	139.7
All Other Drug Cases	1,684	3,562	111.5
Total Drug Cases	3,885	8,838	127.5

Based upon linear progressions it is projected that in Calendar Year 1990 the Office will experience a 21.3 % increase in Drug Case Filings and a 12.7 % increase in Submittals.

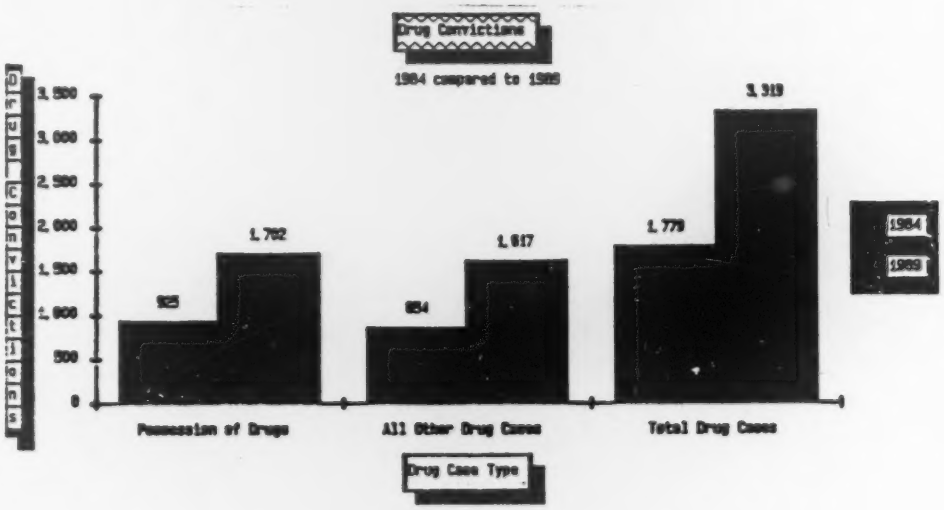
Drug Case Study
1984 compared to 1989

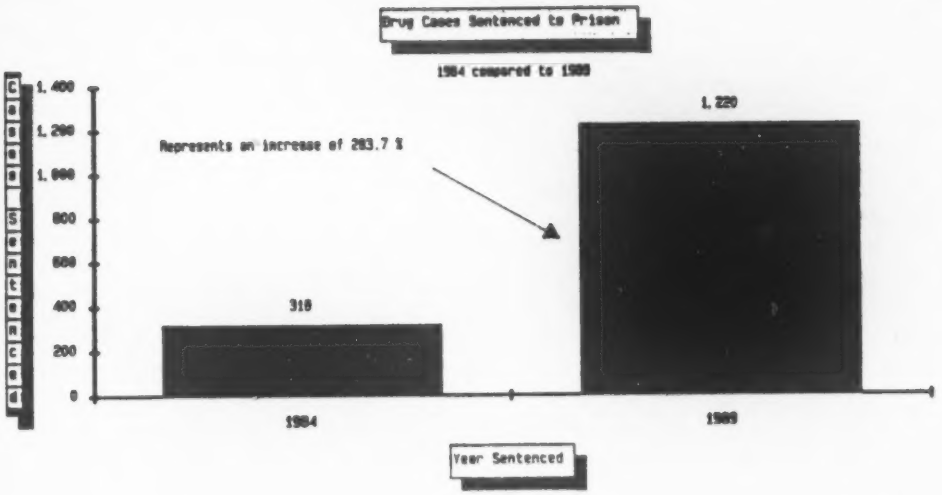
Convictions

	1984	1989	% Change
Possession of Drugs	925	1,702	84.0
All Other Drug Cases	854	1,617	89.3
Total Drug Cases	1,779	3,319	86.6

Prison Data

Drug Convictions for 1984 sentenced to State Prison 318
Drug Convictions for 1989 sentenced to State Prison 1,220
This represents a 283.7 % increase when comparing 1984 to 1989





Senator DECONCINI. Thank you, Mr. Romley, very much. The program, as I see, laid out by the high-intensity drug trafficking area plan for the Southwest border does have an anticorruption task force, which is, I guess, new, but much of it is to enhance additional border patrol and DEA agents and FBI agents. We will have those agents here shortly and I intend to pursue it with them. I appreciate your specific suggestions and also your suggestion that we attempt to augment or to expand existing programs. I think we need to pay more attention to that.

Just out of curiosity, Mr. Romley, do you have in Maricopa County the adequate resources yourself to handle the drug trafficking cases that you have to prosecute?

Mr. ROMLEY. I think that we could always utilize more resources, and we do have to prioritize within our office the major wiretaps.

To be perfectly frank with you, Senator, I am extremely concerned about the money laundering that is moving into Maricopa County. Of course I cannot speak on the record in public, but there is significant intelligence leading to more resources being put in this area.

Senator DECONCINI. Are you aware of the coordination by FinCEN, the financial crimes enforcement network, of Treasury with other law enforcement for money laundering?

Mr. ROMLEY. Yes, I am, Senator.

Senator DECONCINI. Have you had any contact with them?

Mr. ROMLEY. Just to a limited degree, Senator.

Senator DECONCINI. They are just putting it together, but I would hope that they would be of some assistance. Thank you very much.

CITY OF PHOENIX

STATEMENT OF BENNY CLICK, PRESENTING STATEMENT OF RUBEN B. ORTEGA, POLICE CHIEF

Senator DECONCINI. We are pleased to have the assistant chief of the Phoenix Police Department, Mr. Click, with us today. Thank you for joining us, and please thank Mr. Ortega for his strong support in a number of areas, including the assault rifle legislation, but certainly in the area of drug task forces and the new gang task force that you will be running through the Federal assistance.

Please proceed.

Mr. CLICK. The Chief apologizes. He has a funeral this afternoon. One of our officers was killed.

It is a pleasure to have you here. I appreciate you holding these hearings, as does probably everybody sitting here, and I should say I agree with all the preceding speakers. On behalf of Chief Ortega I would like to make a statement.

Thank you for the opportunity to testify regarding the Federal plans to deal with drug trafficking occurring in the Southwest border region.

First, I want you to know that I personally urged Director William Bennett to designate the Southwest border area as a high-intensity drug trafficking area. I also requested Gov. Rose Mofford to use her influence in convincing Washington officials to consider the same.

There is no doubt in my mind that a major effort to combat drug trafficking in the Southwest area is crucial to winning the war on drugs.

However, I have serious reservations about the overall strategy and the mechanism that has been designated to implement it. Experience has taught us that interdiction of drug shipments at or near our borders is one of the most daunting tasks facing drug law enforcement agencies. The dedicated work of many has resulted in numerous impressive individual seizures of drug shipments entering the United States. The closing of the tunnel along the Arizona border is one of the most notable examples of interdiction efforts. This work must continue.

However, the territory is too large, the smugglers too numerous, and their methods too varied for us to rely on border interdiction as the single objective to stop a major portion of the illegal drugs entering our region. And yet interdiction appears to be the mainstay of the high-intensity drug trafficking area strategy and Operation Alliance. I say "appears" because the plan has never really been clearly explained. After the plan is implemented, illegal drugs will continue to come into Phoenix. Some of those drugs will be transported to other American cities and some will be sold and consumed in the Phoenix area.

In short, the HIDTA plan simply does not address many of our needs. Undoubtedly this is because my department, one of the largest in the Southwest, was not consulted about the priorities, strategies, or objectives of the major multi-Federal agency antidrug effort in this area. This concerns me since I was under the belief that local law enforcement would be involved. I do support the planned

increased funding for DEA State and local task forces that is outlined in the 1990 national drug control strategy.

The impression from the beginning has been that designation as a high-intensity area would result in increased resources at the local level. If this is not the case, local law enforcement needs to be told. I favor increased funding for Federal enforcement agencies, but if the Federal Government expects local participation or endorsement of the HIDTA strategy, then we must be full partners in the design and implementation of that strategy. For example, we hoped that the HIDTA plan would include components intended to deal with the drugs that do get through the interdiction net. Sophisticated Hispanic groups with ties to both sides of the border are smuggling, warehousing, and distributing drugs in the Phoenix area.

We do not have the resources to obtain badly needed intelligence about these groups. In addition, boosting manpower at major Southwestern airports and for local task forces would increase midrange enforcement at the local level. Enhancement of these established operations would provide the resources to fill some widening gaps in local enforcement efforts.

We have antidrug programs at the local level. What these programs lack are resources. If the Federal Government wants increased local participation in task forces, then they should consider providing funds to staff those task forces.

My second point concerns clarification of roles. What is the difference between the HIDTA strategy and Operation Alliance? How much money is to be spent and to what end? Mr. Warren Reese has been designated as a regional coordinator. His experience and background make him an excellent choice for this position, but will he be in charge of HIDTA strategy and tactics? If not, who is? This program must have one director close to the front lines who can make decisions and set policy.

In order to be successful, the Southwest border plan should include support for demand reduction, street level operations, and enforcement against midlevel dealers and traffickers who are increasingly using Phoenix as a distribution point. In short, we should not give up on the shipments that are not interdicted.

The expectations of local law enforcement have been raised as a result of the high-intensity drug trafficking area designation. If border interdiction is the sole objective of this program, it should be stated. We can then adjust our expectations. However, before more scarce resources are poured into a single tactic under what could turn out to be a fragmented and confusing bureaucracy, I would urge consideration of a broad-spectrum approach to include tactics that will address problems beyond the border.

Thank you very much.

Senator DECONCINI. Thank you very much. Assistant Chief Click, I appreciate Chief Ortega's concerns and it is of very grave concern to me that your department was not consulted. I would think that they would consult the largest police department in the area. You do have several coordinated efforts going on with Federal law enforcement on a day-to-day basis, I know, and that cooperation I understand is good.

Mr. CLICK. It is excellent; yes, sir.

Senator DECONCINI. We are getting plans together, and we will see if we cannot encourage them to do that for the 1991 plan. Thank you very much.

Gentlemen, you have been very, very helpful to us. We appreciate your time, and your statements will be reviewed by a number of Senators.

I would ask the next witnesses if they would come forward.

DEPARTMENT OF THE TREASURY

U.S. Customs Service

STATEMENT OF THOMAS A. McDERMOTT, SPECIAL AGENT IN CHARGE, ARIZONA DISTRICT

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

STATEMENT OF DAVID S. WOOD, SPECIAL AGENT IN CHARGE, PHOENIX DIVISION

Operation Alliance

STATEMENT OF JAMES E. BOWEN, SENIOR TACTICAL COORDINATOR

DEPARTMENT OF DEFENSE

Joint Task Force No. 6

STATEMENT OF LT. GEN. GEORGE R. STOTSER, U.S. ARMY

Senator DeConcini. Gentlemen, thank you for being here today, and we appreciate your time and your participation on the panel. We have heard some of the statements before on local law enforcement. We look forward to hearing your comments on the strategies laid out. You understand we are all on the same team, we are not trying to pit anybody against anybody, but trying to learn what we can do to improve on the 1991 budget, at least.

We will start with Mr. McDermott.

STATEMENT OF THOMAS A. MCDERMOTT

Mr. McDermott. Mr. Chairman, it is a great honor for me to be here today to discuss the drug investigation and the interdiction efforts of the U.S. Customs Service in Arizona. As the special agent in charge of the U.S. Customs Service for nearly 4 years in this State, I have had the distinct pleasure of serving with a group of the most professional and dedicated law enforcement agents that I have ever run across in my career. These men and women in the State of Arizona, coupled with your leadership in Washington, have made our job a lot more effective and a lot more productive.

During the past 4 years we have seen some dramatic changes in the drug war as it applies to Arizona. There has been a tremendous amount of increase in drug-related criminal activity and of narcotics seized, particularly cocaine. We have been established as a cocaine smuggling corridor, and the violence that has occurred along our 400 miles of border as well as in our metropolitan areas has

been an alarming factor. Our cocaine seizures have far surpassed all our predictions and we will beat records again this year.

Basically what we have done in the past several years is respond to the areas of vulnerability with respect to the Arizona/Mexican border. Several years ago the biggest threat factor on this border was air smuggling. We responded to that by the implementation of the sophisticated Aerostat balloons coupled with state-of-the-art intervention-type aircraft. As a result, we have forced a tremendous amount of the smuggling, the traditional air smuggling, to the ground.

We have beefed up our forces at the ports of entry and we have gone to a total zero tolerance on drugs crossing our border. The zero tolerance program was not only designed to catch the small-time user or to enforce user accountability but was also designed to focus our efforts into a more intensified drug effort.

We got together through Operation Alliance the border alliance groups and the intensified operations by the border patrol, which at the ports of entry are putting tremendous amounts of pressure on smugglers, and although they have not made our border completely foolproof, they have certainly got the smuggling organizations on the run.

As you know, in May 1990 we opened up a whole new chapter in the war on drugs when we discovered a sophisticated subterranean tunnel connecting Agua Prieta, Mexico, and Douglas, AZ. This tunnel did a number of things. First of all, it opened up our eyes to the amount of sophistication, the amount of resources and ability on behalf of the smuggling organizations to not only establish and build a tunnel but to establish businesses on either side of the border for the sole purpose of bringing their poison into the United States.

It also told us something else, Senator. It told us that we are having an effect. We are constantly hearing from the skeptics out there telling us we are only getting that 10 percent, to tell us that, regardless of how much is seized, the supply of cocaine in Los Angeles still remains the same, the price of cocaine in New York remains the same, and with that we still ask brave Americans every day to lay their lives on the line in this interdiction effort to stop the flow of drugs coming into this country. I think the message that the tunnel sends to us is that we are having an impact, and for the first time in my career on the border we have these organizations on the run.

I think the bottom line to the overall success and continued success is cooperation. I think we have set foundation here for cooperation. I know in other hearings that you have had before, Senator, that that has been the main topic. I would like to tell you today that that continues to be the case. We have border alliance groups established in all the border counties as well as in other areas throughout the State. This is a collective effort of all law enforcement attacking the problems at whatever possible level. I think that it has paid off, and if I was to give you a bottom line here as to what my opinions are, it is that we much need continued cooperation and a collective strategy in the interdiction efforts.

Thank you very much.

[The statement follows:]

STATEMENT OF THOMAS A. McDERMOTT

MR. CHAIRMAN, AND OTHER DISTINGUISHED MEMBERS OF THE SUBCOMMITTEE:

IT IS TRULY AN HONOR FOR ME TO APPEAR BEFORE YOU TODAY TO DISCUSS THE DRUG INVESTIGATION AND INTERDICTION EFFORTS OF THE U. S. CUSTOMS SERVICE IN ARIZONA. AS THE SPECIAL AGENT IN CHARGE OF THE U. S. CUSTOMS SERVICE IN ARIZONA FOR NEARLY FOUR YEARS, I HAVE HAD THE DISTINCT PLEASURE OF SERVING WITH THE GREATEST COLLECTION OF PROFESSIONAL AND DEDICATED LAW ENFORCEMENT OFFICIALS IN THE COUNTRY. SERVING WITH THESE MEN AND WOMEN, AND WITH THE LEADERSHIP AND SUPPORT YOU HAVE PROVIDED, MR. CHAIRMAN, AS THE SENATOR FROM THE STATE OF ARIZONA, OUR EFFORTS HAVE BEEN INCREASINGLY MORE EFFECTIVE AND PRODUCTIVE.

DURING THESE FOUR YEARS, THE STATE OF ARIZONA HAS SEEN A MARKED INCREASE IN DRUG RELATED CRIMINAL ACTIVITY AND A DRAMATIC METAMORPHOSIS IN THE AREA OF INCREASED CRIMINAL ACTIVITY COUPLED WITH VIOLENCE ALONG ITS 400 MILE BORDER WITH MEXICO AND IN THE TWO MAJOR METROPOLITAN AREAS OF TUCSON AND PHOENIX. THE SINGLE MOST SIGNIFICANT FACTOR FOR THIS CHANGE IS THE COCAINE PIPELINE WHICH HAS BEEN ESTABLISHED BY THE COLOMBIAN AND MEXICAN DRUG CARTELS OPERATING IN THE MEXICAN STATE OF SONORA. THE SEIZURES OF COCAINE BY THE U. S. CUSTOMS SERVICE, U. S. BORDER PATROL, DRUG ENFORCEMENT ADMINISTRATION, AND OTHER LAW ENFORCEMENT AGENCIES HAVE FAR EXCEEDED ALL PREDICTIONS SINCE JUNE, 1986. EACH YEAR, THE SEIZURES HAVE SURPASSED THE PRECEDING YEAR, AS THEY WILL AGAIN IN 1990. OUR INVESTIGATIONS AND INTELLIGENCE HAVE DISCLOSED THAT THIS INFLUX OF COCAINE AND MARIJUANA CAN BE ATTRIBUTED TO SEVERAL MAJOR DRUG ORGANIZATIONS OPERATING NOT ONLY IN ARIZONA BUT IN THE STATES OF CALIFORNIA, OREGON, WASHINGTON, NEVADA, COLORADO, MISSISSIPPI, TEXAS, FLORIDA, MISSOURI, KANSAS, MICHIGAN, ILLINOIS, MINNESOTA, AND NEW YORK ALL OF WHICH HAVE HELD THE COMMON DENOMINATOR THAT THE STATE OF SONORA IS THE CONDUIT FOR THE COCAINE AND MARIJUANA WHICH

IS SMUGGLED ACROSS THE MEXICO/ARIZONA BORDER AND INTO THE UNITED STATES.

LIKEWISE, WE HAVE ALSO EXPERIENCED THE VIOLENCE WHICH ALWAYS ACCOMPANIES THESE DRUG TRAFFICKING ORGANIZATIONS.

THE NUMEROUS MURDERS IN AGUA PRIETA AND TUCSON SINCE 1988, AND THE COUNTLESS HOMICIDES OCCURRING IN PIMA AND MARICOPA COUNTIES, ARE PREDOMINANTLY DRUG RELATED.

ADDITIONALLY, WE HAVE SEEN THE ILLICIT MOVEMENT OF MILLIONS OF DOLLARS OF CASH THROUGH ARIZONA INTO MEXICO AND THE FUNNELING OF THE PROCEEDS FROM DRUG TRANSACTIONS INTO ARIZONA FROM THE OTHER STATES AND ELSEWHERE. THE DRUG SEIZURES, WHEN COUPLED WITH THE CONFISCATION OF MILLIONS OF DOLLARS WHICH HAVE BEEN LAUNDERED THROUGH REAL ESTATE AND OTHER ASSETS HELD BY THESE DRUG ORGANIZATIONS IN THE STATE OF ARIZONA HAVE HAD AND CONTINUE TO HAVE A SIGNIFICANT IMPACT ON THEIR OPERATIONS! HOWEVER, WE ARE CONSTANTLY HEARING FROM THE SKEPTICS WHO SAY THAT THE WAR ON DRUGS IS A FAILURE AND THAT OUR LAW ENFORCEMENT EFFORTS ARE NOT HAVING AN IMPACT. THEY HAVE CLAIMED THAT THE PRICE OF COCAINE IN LOS ANGELES REMAINS UNCHANGED AND THE SUPPLY OF COCAINE IN NEW YORK IS STILL PLENTIFUL. REGARDLESS OF THE AMOUNT WE SEIZE, THESE SKEPTICS SAY THAT WE ONLY STOP THIS MYSTERIOUS 10%. WITH ALL THIS, WE STILL ASK BRAVE AMERICANS TO PLACE THEIR LIVES ON THE LINE EVERY DAY ATTEMPTING TO STOP THE FLOW OF DRUGS ACROSS OUR NATION'S BORDERS.

ON MAY 17, 1990, A NEW CHAPTER WAS OPENED IN THE INTERDICTION EFFORTS WITH THE DISCOVERY OF A HIGHLY SOPHISTICATED SUBTERRANEAN TUNNEL WHICH WAS DESIGNED FOR THE SOLE PURPOSE OF SMUGGLING ILLICIT DRUGS INTO THE UNITED STATES. THIS TUNNEL LINKING DOUGLAS, ARIZONA, WITH AGUA PRIETA, SONORA, MEXICO, IS BETWEEN 30-40 FEET UNDERGROUND, IS CEMENT FORTIFIED, IS EXTREMELY WELL CONSTRUCTED, AND IS THE MOST SOPHISTICATED SMUGGLING OPERATION I HAVE SEEN IN MY 21 YEARS WITH THE CUSTOMS SERVICE. THE EXISTENCE OF THE TUNNEL DEMONSTRATES A NUMBER OF SIGNIFICANT FACTORS:

1. IT WAS UNDOUBTEDLY WELL PLANNED AND FINANCED; AND IT CREATED A MAJOR SMUGGLING ARTERY FOR THE TRANSPORTATION OF COCAINE INTO THE UNITED STATES.
2. THE UNLIMITED RESOURCES WHICH THE COLOMBIAN DRUG CARTELS WHO HAVE COMBINED THEIR EFFORTS WITH WELL ESTABLISHED DRUG ORGANIZATIONS IN MEXICO HAVE AT THEIR DISPOSAL IS THEIR WILLINGNESS TO USE ANY MEANS NECESSARY TO PENETRATE OUR NATION'S BORDERS.
3. LASTLY, THAT OUR ENFORCEMENT EFFORTS ARE HAVING AN EFFECT AND THE SKEPTICS ARE WRONG IN SAYING THAT WE ARE NOT HAVING AN IMPACT BECAUSE IF OUR BORDERS WERE SO EASY TO PENETRATE THEN THE SMUGGLERS WOULDN'T HAVE GONE UNDERGROUND AND TAKEN THESE MEASURES.

HISTORICALLY, WE HAVE ATTEMPTED TO APPLY PRESSURE IN ALL AVENUES VULNERABLE TO SMUGGLING. WE HAVE IN PLACE A SOPHISTICATED AIR INTERDICTION PROGRAM THE HEART OF WHICH IS THE AEROSTAT RADAR BALLOONS ENHANCED BY STATE-OF-THE-ART AIRCRAFT WHICH HAVE INCREASED THE RISK OF APPREHENSION. THE EFFECT HAS BEEN THAT A SIGNIFICANT NUMBER OF TRADITIONAL AIR SMUGGLERS ARE UNWILLING TO TAKE THE RISK AND HAVE SHIFTED THEIR OPERATIONS TO THE GROUND. RESPONDING TO THIS CHANGE, WE HAVE TAKEN A VERY STRONG POSTURE AND "GET TOUGH" POSITION AT OUR PORTS OF ENTRY.

THE ESTABLISHMENT OF OUR ZERO TOLERANCE PROGRAM WAS NOT SIMPLY DESIGNED TO PENALIZE ILLEGAL ACTIVITY AND USER ACCOUNTABILITY, BUT MORE IMPORTANTLY TO FOCUS OUR EFFORTS ON MORE INTENSIFIED SEARCHES AT OUR PORTS OF ENTRY. AS A RESULT, THERE HAS BEEN A TREMENDOUS INCREASE IN DRUG SMUGGLING ON THE LAND BORDER IN BETWEEN THE PORTS OF ENTRY. INCREASED BEEFED-UP ENFORCEMENT EFFORTS BY THE U. S. BORDER PATROL AND BORDER ALLIANCE GROUPS HAVE CAUSED THE SMUGGLING ORGANIZATIONS TO LOOK FOR NEW AVENUES.

WITHIN ARIZONA, WE HAVE ESTABLISHED BORDER ALLIANCE GROUPS IN ALL FOUR COUNTIES BORDERING MEXICO AS WELL AS OTHER AREAS THROUGHOUT THE STATE. THESE GROUPS ARE A COLLECTIVE ENFORCEMENT

EFFORT WITH PARTICIPATION FROM ALL FEDERAL, STATE, AND LOCAL LAW ENFORCEMENT AGENCIES TARGETING ALL LEVELS OF DRUG ACTIVITY; SMUGGLING ACROSS THE INTERNATIONAL BORDER; THE MOVEMENT THROUGH THE ARIZONA PIPELINE; AND THE DISTRIBUTION OF DRUGS IN OUR COMMUNITIES.

THE DRUG ENFORCEMENT ADMINISTRATION HAS CROSS-DESIGNATED SOME 75 CUSTOMS AGENTS WITH TITLE 21 INVESTIGATIVE AUTHORITY TO FOCUS ON BOTH PRE- AND POST-NARCOTICS INTERDICTION INVESTIGATIONS. THE RESULTS OF THESE EFFORTS HAVE BEEN THE DISMANTLING OF SEVERAL MAJOR SMUGGLING ORGANIZATIONS OPERATING IN SONORA, MEXICO, AND ARIZONA AS WELL AS AN INCREASE IN ASSET SEIZURE. FURTHERMORE, OVER 80% OF THE COCAINE SEIZED IN ARIZONA BY THE U. S. CUSTOMS SERVICE DURING 1990 IS A DIRECT RESULT OF OUR INVESTIGATIVE EFFORTS.

WE HAVE ALSO JOINED FORCES WITH THE ARIZONA DEPARTMENT OF PUBLIC SAFETY, THE INTERNAL REVENUE SERVICE, DRUG ENFORCEMENT ADMINISTRATION,AND SEVERAL LOCAL AGENCIES TAKING A UNIQUE INVESTIGATIVE APPROACH TO MONEY LAUNDERING INVESTIGATIONS. THESE GROUPS ARE TARGETING WHAT WE REFER TO AS THE "WHITE COLLAR DRUG DEALERS". THESE INDIVIDUALS ARE WILLING TO MOVE MONEY THROUGH INVESTMENTS AND FINANCIAL INSTITUTIONS FOR A PROFIT.

I WOULD LIKE TO CLOSE WITH THE BOTTOM LINE. THE KEY TO ANY THE SUCCESS, BOTH IN INTERDICTION AS WELL AS INVESTIGATIONS, IS THAT A HIGH DEGREE OF COOPERATION EXISTS BETWEEN ALL THE VARIOUS LAW ENFORCEMENT AGENCIES ENGAGED IN THE WAR ON DRUGS. WE IN ARIZONA HAVE BEEN ON THE CUTTING EDGE IN LAW ENFORCEMENT COOPERATION. SEVERAL OTHER STATES HAVE DUPLICATED OUR EFFORTS, AND WE REMAIN A MODEL AS AN INTEGRATED, EFFECTIVE FRONT-LINE TEAM IN THE WAR ON DRUGS.

Senator DECONCINI. Mr. McDermott, thank you. You played a major role in that cooperation along with your colleagues here, particularly Mr. Wood and his predecessor Mr. Burke and others. I think it is very different than it was 10 years ago when I did these hearings, or even 6 years ago when I did these hearings, just to listen to the local law enforcement, but I do want to compliment you on your selection by Commissioner Hallett. I am sorry to see you leaving Arizona, but I am pleased that you are going to become head of the smuggling division in Washington.

Mr. MCDERMOTT. That is correct.

Senator DECONCINI. What is the price of a kilo and the purity in Arizona today? Is it up or down?

Mr. MCDERMOTT. I do not have the exact figures, but I think that the fact that Arizona is a cocaine smuggling pipeline and basically we are funneling to several areas throughout the United States, particularly southern California most notably—and I am sure Mr. Wood can verify this for me—that the price of cocaine has drastically increased. I think there is about a 25- or 30-percent increase of what the street value of cocaine is in Los Angeles. We consider that to be a part of the success attributed to our efforts here because we are a pipeline to that area.

Senator DECONCINI. The majority of the drugs that come through the State go someplace else, in your opinion?

Mr. MCDERMOTT. That is correct. The amount of drugs that we are seeing—I think we are, just the Customs alone this year—is in excess of 10,000 pounds. Other agencies would probably bring that figure up to double that. We do not have the market for that here and it is strictly a pipeline and an artery to funnel the drugs to the major areas.

Senator DECONCINI. You talked about the air interdiction program, the P-3's and the Aerostats. I understand there is some consideration at Customs to modify the Aerostats, which could be used to identify items and vehicles on the ground and what have you. Is that underway now or is that still in the study stage, and do you think it is a plausible idea that can be accomplished?

Mr. MCDERMOTT. I not only think it is plausible, I think it is an outstanding approach to taking a specific piece of equipment and applying to it a multiple use. We are right now in the process of working with some of the military hardware to find out what is the capability of downward-looking radar to determine if we could utilize the Aerostat balloons to help us monitor sensors as well as vehicular traffic on the ground. I think if we can accomplish this and have the same impact as we have been able to have on air smuggling, I think we are a tremendous amount ahead.

Senator DECONCINI. Thank you, Mr. McDermott.

Mr. Wood, I want to compliment you for your leadership, your agents here in Arizona for their cooperative effort, and your facilitating of the cross-designation effort that the Congress created and the Attorney General committed himself to and has accomplished. Mr. Long and Mr. Burke and now Mr. Bowen have really changed, I think, the cooperative effort, and we look forward to your testimony. Please go ahead, Mr. Wood.

STATEMENT OF DAVID S. WOOD

Mr. WOOD. Chairman DeConcini and members of the Senate Appropriations Subcommittee on Treasury, Postal Service, and General Government, I appreciate this opportunity to represent the Drug Enforcement Administration at this hearing to examine the plan of activities for the Southwest border high-intensity drug trafficking area, HIDTA.

The Southwest border is the primary entry point for many of the illicit drugs entering the United States from foreign source countries. To respond to the drug trafficking situation along the border, we anticipate that the HIDTA program will permit the various Federal agencies to fully employ coordinated activities, resulting in increased drug seizures and prosecution of major traffickers.

Enhancements to the coordinated efforts of enforcement agencies along the Southwest border are important as they could help to sustain or to increase what appears to be a current shortage of cocaine on the current wholesale level in a number of major metropolitan areas in the United States. In a number of cities, including New York, Miami, Chicago, Houston, and Los Angeles, higher cocaine prices and lower purity levels are being reported at the wholesale level. In Arizona, we have also noticed an increase in the wholesale price of cocaine from 1 year ago, when the price was between $11,500 to $18,000 per kilo, compared to today's price of $14,000 to $18,500 per kilo. While not as significant an increase in price as in other areas of the country, it is a positive sign.

Clearly, one of the principal influencing factors concerning the shortage of cocaine is enhanced law enforcement efforts, both domestically and in Latin America. As a result of these efforts, we have seen unprecedented multiton seizures of cocaine in the United States, Mexico, and Colombia.

It should be noted that the cities and towns located along the border, while not directly used by the traffickers in the smuggling of drugs, are, in fact, part of the infrastructure that permits these same traffickers to continue their illicit activities.

Cities such as Tucson and Phoenix are used as storage locations for drugs prior to moving on to the major distribution centers in other States. These are also the cities where many of the traffickers live, socialize, and invest their illicit proceeds. Thus, it is extremely important that the HIDTA program recognize the necessity to support the local agencies who are not directly involved in the interdiction of drugs but nonetheless have a vital role to play in the fight against major traffickers.

With regard to the Southwest border HIDTA, DEA will play a supportive role in the plan developed by the Department of the Treasury. As a result of this program, DEA will assign additional DEA special agents and intelligence analysts to offices all along the Southwest border. The number to be assigned to Arizona has not yet been determined. Significant amounts of DEA's investigative equipment will be shared with State and local agencies in our cooperative efforts. The HIDTA program will also include special operations.

Mr. Chairman, I believe that the degree of cooperation among the law enforcement community in Arizona on all aspects of this

very complex drug issue is unprecedented. The Law Enforcement Coordinating Committee [LECC] chaired by the U.S. attorney serves as a major focal point for bringing together all levels of law enforcement.

In addition, the relationships between the Federal agencies such as DEA, the FBI, border patrol, and U.S. Customs with the State and local agencies is the best that I have seen in my 29 years in law enforcement. Task force operations addressing specific enforcement needs can be found throughout the State. The Maricopa County Demand Reduction Program is a model in law enforcement cooperation, bringing together all of the police agencies located in the Phoenix metropolitan area with components from treatment and rehabilitation. I certainly expect that the HIDTA program will capitalize and build on those relationships and be infinitely stronger for it.

That concludes my statement, and I will be pleased to answer any questions you may have.

Senator DECONCINI. Thank you, Mr. Wood. That is encouraging. Your share of the equipment, is that based on a decision of DEA, to share some of this equipment that you will be receiving with local law enforcement? Is that what I understand your statement to say?

Mr. WOOD. I think it was probably a twofold decision. I understand as part of the process of developing the HIDTA operation a certain amount of money was made available to purchase equipment that we will then use in cooperative investigations.

Senator DECONCINI. Quite a bit.

Mr. WOOD. Yes.

Senator DECONCINI. You will receive some of that, and are you directed or is it left to your discretion to use some of the equipment with local law enforcement?

Mr. WOOD. No; we are directed to use that with the local law enforcement offices that are cooperating with us in joint investigations.

Senator DECONCINI. Recently the Mexican Government has suggested that they assign a number of Mexican drug agents to the United States to work on drug interdiction in the same fashion that we have DEA agents assigned to Mexico, I understand. Could you tell us if such an arrangement would prove beneficial to the DEA, does DEA support this, and do you anticipate that coming about?

Mr. WOOD. I think there may be a misconception about how that would come about, if, in fact, it comes into being. If the Mexican agents were to come to the United States, they would not be assigned to DEA offices throughout the country. The request was that we would accept their agents on the same basis on which they have accepted ours, which means that the agents would be assigned to the Embassy in Washington, DC, and then to the various consulates throughout the United States and they would serve, as I understand now, in an intelligence-gathering mode. That certainly has the potential to be of benefit to DEA.

Senator DECONCINI. I would think—and please correct me—the closer we can work with competent Mexican drug officials, the better it is for cooperative efforts across the border. Is that unfair to say?

Mr. WOOD. No; I think that is quite accurate. Certainly with the current administration of Mexico we have seen——

Senator DECONCINI. Dramatic change; right?

Mr. WOOD [continuing]. A great deal of change and indication that they are sincerely interested in addressing this drug problem. And there have been some significant improvements in their operations. For example, in the first 5 months of this year they have seized 19 metric tons of cocaine. That is in excess of twice what they seized all of the preceding year. That is a tremendous improvement in what they are doing.

Senator DECONCINI. Do you concur with Mr. McDermott that the cost of cocaine is increasing?

Mr. WOOD. Yes; we have seen in Arizona that a kilo of cocaine is going from roughly—if you will pardon me if I look at my figures again so I will not give you some bad information—in 1 year the price has gone from $11,500 to $18,000 to $14,000 to $18,500.

I might also tell you that in Nogales, an interesting phenomena, we are paying or we are being offered kilograms of cocaine for as much as $26,000 per kilo.

Senator DECONCINI. What does that tell you? That there is a short supply or what exactly does that mean?

Mr. WOOD. Well, it tells me that there is a shortage of cocaine coming into the United States and that perhaps the cost of bringing it into the United States has increased to some extent and they are passing the price on. There may be some indication that they are still stockpiling cocaine south of the border in anticipation of bringing it in.

Senator DECONCINI. Thank you.

Mr. Bowen, we are pleased to have you here with us to discuss the hands-on operation of Operation Alliance. Would you please report your full statement to the record, or you may summarize it for us.

STATEMENT OF JAMES E. BOWEN

Mr. BOWEN. Thank you, Mr. Chairman. Before I go into the process that was used in the development of the Southwest border strategy I would like to bring you up to date on a couple of changes that have been made in the operation and structure that have some bearing on what has been discussed here today.

The first change revolves around the number of Federal agencies assigned to or which have assigned members to the Joint Command Group for Operation Alliance. Because of some changes in the 1988 Anti-Drug Abuse Act and the 1988 Defense authorization bill we have added to the list of Federal agencies the U.S. Park Service, the U.S. Forest Service, the Bureau of Land Management, and the Department of Defense in the form of JTF–6.

The second change pertains to the number of representatives from each of the four border States. As we have mentioned before, originally when the alliance was formed we had one representative from each of the four border States representing the law enforcement community of the State. Because the joint committee review felt that the burden being placed on these people of accomplishing their tasks as a collateral duty was exceeding what could be expect-

ed, the decision was made to go to two representatives from each State, one to represent the State-level law enforcement agencies and one to represent the local level law enforcement. That has been accomplished, and in the case of Arizona, Mr. Ayars was to share it along with Sheriff Dupnik.

In addition to that, to increase the communication between the alliance Joint Command Group and Coordination Center in El Paso and the State law enforcement agencies, each of the four border States was asked to assign a law enforcement officer from the State to the Operation Alliance Coordination Center in El Paso. We expect that those officers will start their duties within the next 2 months and we feel that that will significantly increase our ability to spread information throughout each of the four border States on what is happening in relation to drug law enforcement along the entire Southwest border and to assist in verifying information up and down the border.

As it relates to the development of the strategy itself, the decision was made to develop a Southwest border strategy in November of last year, but because of the impending publication of the 1990 strategy from the Office of National Drug Control Policy, the decision was made to hold off actually drafting the strategy until after that national policy had been published so we could incorporate any changes that might occur in that.

One of the changes was the high-intensity drug trafficking areas. As soon as the national strategy had been published and the individual agencies had an opportunity to look at the strategy, a meeting was held in Houston, TX, which was attended by the Joint Command Group members and Mr. Stan Morris from the Office of National Drug Control Policy and Mr. Pete Nunez from the Southwest border subcommittee. At that time the process and the guidelines for the development of the high-intensity area spending program were discussed at length.

A determination was made at that meeting that we would host an authors' convention in El Paso, TX. In consultation with JTF-6 and other persons who had been involved in writing large strategies, a determination was made that the authors' convention should have somewhere between 25 and 35 people to physically draw up a draft of the strategy, which then could be presented to all the agencies for comment.

That process was completed in April of this year. It was held from April 9 to April 17 in El Paso, TX. It was cohosted by JTF-6 and Operation Alliance. It included representatives from State and local law enforcement agencies in the four border States. There were at least two members from the State and local community in each State and representatives of the Federal agencies at the regional and local levels as well as a few from the national level.

When that strategy was pulled together into a draft form it was sent out to all members of the Joint Command Group and back to the people who had actually authored the document for comments and recommendations. When that input was received it was reincorporated into the draft, adjustments were made, and a date was set to hold a border State seminar in Austin, TX, which was held from the 23rd through 25th of May of this year. We sent out in the vicinity of 400 invitations to law enforcement agencies along the

Southwest border. We had in attendance somewhere between 250 and 300 law enforcement agents from the four border States, Federal, State, and local, as well as military representatives from the National Guard and a few from the Washington level.

At that conference each individual section of the strategy was broken out into a set of goals and objectives for that strategy. The group attending the session was broken down into small groups of 25 to 40 people and we received input on each of the six major categories within the strategy. They were each issued forms that they were requested to use on which they could comment or make any recommendations or additions or deletions or changes that they felt would be appropriate to the strategy and they were asked to sign these documents, and they did this in each of the six categories and rotated through them until they had seen the basics of the entire strategy and been presented the forms of the goals and objectives of the strategy and what it was attempting to do.

When the seminar was over, this input from the participants in the seminar was incorporated back into the document and it was sent on to the Southwest border subcommittee for approval. During the same timeframe representatives from the Joint Command Group were requested to input to the Operation Alliance Coordination Center recommendations on a spending plan for the high-intensity drug trafficking areas. That criteria was based on the request that they, whenever possible, support multiagency efforts or efforts which are being conducted in conjunction with the Department of Defense, that the money be able to be expended this year, and that it be able to, as I said, benefit as many agencies as possible at one time.

[The statement follows:]

STATEMENT OF JAMES E. BOWEN

Mr. Chairman I would like to thank you and the other members of the Subcommittee for the invitation to appear before you today. I appreciate being given the opportunity to provide you with information on the process that was utilized to develop the Southwest Border Drug Control Strategy and the High Intensity Drug Trafficking Area (HIDTA) spending plan.

Mr. Chairman, before I go into the details relating to the process which I have mentioned I would like to bring you up to date on some changes which have been made in the structure and areas of responsibility of Operation Alliance since I last testified before this Subcommittee.

The first change pertains to Federal Agency representation on the Joint Command Group for Operation Alliance. The 1988 Anti-Drug Abuse Act and the 1989 Defense Authorization Act both created changes in the numbers of agencies and departments which have specific roles to play in drug interdiction activities along the southwest border. The 1988 Anti-Drug Abuse Act granted Title 21 authority to a number of agencies which had not been previously charged with drug law enforcement responsibilities. The 1989 Defense Authorization Act specified that the Department of Defense should increase its role in drug interdiction activities by increasing its level of support to law enforcement agencies involved in drug law enforcement activities. As the result of these two Acts the Joint Command Group requested and received representation from the Bureau of Land Management, the United States Forest Service, the United States Park Service and the Department of Defense in the form of the Deputy Commander of JTF-6.

The second change pertained to the number of representatives from each of the four border states. The Joint Command Group

determined that the burden being placed on the four state representatives had increased to an unacceptable level. Due to this it was determined that the number of representatives from each state would be increased to two, one representing state level law enforcement agencies and one representing local level law enforcement agencies. Additionally, the state representative indicated that they did not feel that they were receiving enough information about activities along the entire southwest border. To address this each state was asked to provide a law enforcement officer to be assigned to the Operation Alliance Coordination Center in El Paso, Texas. Each of the states agreed to do so and these officers will be reporting for duty in El Paso over the next several months.

In October 1989 the Joint Command Group determined that it would be appropriate for Operation Alliance to develop a drug control strategy for the southwest border which would support the national strategy while focusing on the problems being encountered in the southwest. This concept was discussed with the Southwest Border Committee and a determination was made that we would delay the physical writing of the strategy until after the 1990 National Drug Control Strategy was published.

The development of the Southwest Border Drug Control Strategy was discussed at the February meeting of the Joint Command Group which was held in Houston Texas. During this meeting Mr. Stan Horris, Deputy Director for Supply Reduction, Office of National Drug Control Policy, made a presentation on the 1990 National Drug control Strategy and the High Intensity Drug Trafficking Area Program.

At this meeting it was determined that an authors convention would be held in which representatives from federal, state and local law enforcement agencies, the National Guard and the

Department of Defense would be brought together to write the strategy. Because the HIDTA designation for the Southwest Border included only thirty four (34) counties it was decided that the Southwest Border Drug Control Strategy would be written to cover the entire southwest border area. It was also decided that the HIDTA spending plans would be structured to support the goals and objectives of the overall strategy even though the expenditure of funds would only occur in the actual HIDTA area.

The Joint Command Group members were requested at the Houston meeting to designate specific individuals to represent their agencies or areas of responsibility at the Authors Convention. The Members were advised that the convention would be co-sponsored by Operation Alliance and JTF-6 and that JTF-6 would cover the cost of the travel involved through the issuance of invitational travel orders.

The Joint Command Group members were also requested at the Houston meeting to begin developing the HIDTA spending proposals for their respective agencies, the agencies within their areas of responsibility or the division of agencies within their areas of responsibility. The exact methodology for gathering the necessary input for this project was left to the discretion of the individual members.

On February 27, 1990 a planning cell was established at the Alliance Coordination Center in El Paso, Texas comprised of representatives from the Operation Alliance and JTF-6 staffs. The planning cell was charged with the responsibility of developing an outline for the Southwest Border Drug Control Strategy which would combine the requirements for the southwest border with the content of the national strategy. This outline was to be used as a guide for those individuals ultimately charged with writing the first draft of the proposed strategy.

On March 15, 1990 an in progress review was held with representatives of Assistant Secretary of the Treasury for Law Enforcement to advise them of the progress made and the methodology that was being employed to develop the proposed strategy. Also at this meeting a preliminary draft of the funding requests which had been received from a limited number of the Joint Command Group members was presented to Treasury.

On March 20, 1990 this same information was presented to the ONDCP Supply Working Group by representatives from the Assistant Secretary's Office.

On March 22,1990 the Joint Command Group was briefed on the progress to date. The members were furnished with information packages for the individuals that they had identified as representatives to the authors convention.

On March 28,1990 a letter was sent to each of the individuals who had been identified as participants in the authors convention at that time. The letter also contained a draft of the introduction to the strategy, information on travel arrangements and the support and equipment that would be provided. The letter encouraged the participants to contact each other prior to their arrival at the convention if they felt the need to do so.

The authors convention was held on Ft. Bliss in El Paso, Texas from April 9, to April 20, 1990. The convention produced the initial draft of the individual sections of the strategy. The drafts of the individual sections were then combined into body of the first draft of the strategy by the planning cell at the Operation Alliance Coordination Center. The planning cell then incorporated input which was received from FINCEN, INTERPOL and the Department of State to form draft number two.

On May 1, 1990 a copy of draft number two was sent to each member of the Joint Command Group and to each of the participants in the authors convention for comment. The responses from the participants and the Joint Command Group members was consolidated into draft number three of the strategy.

Draft number three was presented to nearly three hundred law enforcement,National Guard and Department of Defense representatives from the four border states of California, Arizona, New Mexico and Texas at the Border States Seminar which was held in Austin, Texas from May 23rd through May 25th, 1990. The Border States Seminar also had representatives from a number of the federal agency and Department of Defense regional and national headquarters, and from the Office of National Drug Control Policy. During the seminar the objectives and goals of each section of the draft strategy were presented and discussed with the attendees in small breakout sessions. The attendees were provided with forms on which to make comments and recommendations for changes, additions and deletions to each section of the draft strategy. The attendees were also requested to sign the forms utilized in each breakout section whether or not they had any comments.

The comments and recommendations from the attendees at the Border States Seminar were incorporated into the existing draft of the strategy by the planning cell at the Operation Alliance Coordination Center. The final draft of the Southwest Border Drug Control Strategy was submitted to Mr. Peter Nunez, Assistant Secretary of the Treasury for Law Enforcement on July 5, 1990.

The Assistant Secretary advised the Joint Command Group on July 19,1990 that the Strategy had been approved and had been submitted in its final form to the Deputy Director for Supply

Reduction at the Office of National Drug Control Strategy for their review.

The Joint Command Group members were requested to provide the input for the development of the HIDTA spending plan to the Operation Alliance staff by March 1, 1990. The guidance available to the Joint Command Group at that time was quite limited but that which was provided indicated that the proposals should support the National Strategy, benefit multiple agencies wherever possible and was to be used primarily to support federal drug law enforcement efforts.

On March 15, 1990 the Operation Alliance staff briefed Assistant Secretary Nuneż on the recommendations that had been received prior to that date. The existing proposals were discussed and the Assistant Secretary provided guidance to the Operation Alliance staff. It was also determined at this meeting that the final decisions on the HIDTA spending proposal would be made after the Border States Seminar which was to be held in Austin, Texas.

An updated draft of the spending proposal was furnished to the Assistant Secretary's office on or about May 27, 1990. This draft incorporated additional input which was received from the Joint Command Group members during the Border States Seminar.

A number of minor adjustments to the April 27th draft were made between that date and the date of the final submission which was made on June 21,1990. These adjustments were caused by discussions between the Justice and Treasury Departments and the fact that the original submissions were based on a June 1, 1990 start date for the spending proposals.

Senator DECONCINI. Mr. Bowen, how many Arizonans were there; do you know?

Mr. BOWEN. I would have to look at the list. I am not sure.

Senator DECONCINI. Was there no one there from the Phoenix Police Department, if you can recall? They were not consulted at all?

Mr. BOWEN. Whether they were at the convention, I would have to look at the list of attendees.

Senator DECONCINI. Did you get a feeling from the local testimony of the law enforcement representatives that there is a strong indication that there was not enough local input into the strategy?

Mr. BOWEN. Yes; I do, and we have already——

Senator DECONCINI. What do you think can be done to improve that? How would you go about improving that?

Mr. BOWEN. Well, we have already set into motion plans for the development of the 1991 strategy, which will be an adjustment and improvement of the existing strategy. We intend to hold meetings in each State——

Senator DECONCINI. I think that is an excellent idea.

Mr. BOWEN [continuing]. To seek as much input as possible.

Senator DECONCINI. Even if you cannot satisfy them or it does not come out the way they want it to, I think failure to consult with them is a real error.

Mr. BOWEN. To a large extent that was driven by the timeframe that was necessary.

Senator DECONCINI. I understand that. Thank you.

General Stotser, thank you for being here with us. We appreciate the immense job you must perform in a couple of important areas. One is how to get the military involved in an effective way with the Congress telling you to move in this direction. You are in what I understand to be full cooperation to at least consult and deal with agencies and local law enforcement in an attempt to answer their questions and to get some of those resources that you have available actually effectively used. We welcome you here, and I want to tell you that I think you have one of the toughest jobs, based on the years I have been kicking around in this business, with the military, no criticism meant, but to get them geared toward this war.

Thank you. Go ahead, sir.

STATEMENT OF LT. GEN. GEORGE R. STOTSER

General STOTSER. Thank you, Mr. Chairman, and thank you for this opportunity to discuss the role of Joint Task Force 6 in the national drug control strategy and its actions along the Southwest border.

Joint Task Force 6's relationship with law enforcement, in my view, is one of total integration. Through Operation Alliance, Federal, State, and, most importantly, local law enforcement agencies are finding DOD resources can greatly enhance their efforts. There is currently I think a new level of innovation in law enforcement's use of the DOD resources. Operation Alliance's relationship with Joint Task Force 6 is yielding more responsive support to the law enforcement agencies in the counternarcotics battle.

As JTF-6 matures, it will become more efficient in the processing and coordination of law enforcement support and be able to provide extensive support to our law enforcement officials while at the same time offering unique real-world training opportunities to a variety of military units. With Operation Alliance encouragement, points of contact along the entire border are becoming familiar with our resources and beginning to seek our assistance.

We recently published our first "Area Orientation Handbook" concentrating on the Tucson sector. This handbook provides to military unit and law enforcement officials essential information for planning operations. Initial feedback from law enforcement agents in the Tucson sector indicates that these books will be very helpful and will eventually cover the entire Southwest border.

Additionally, our liaison officers are providing essential coordination with law enforcement agencies and the State National Guard. Their efforts are key to the development of a total force concept that involves law enforcement agencies supported by Active, Reserve, and National Guard assets. Our total force approach has gone a long way toward reducing redundant taskings that have overtaxed and wasted the limited resources available to counter the drug smuggler.

As you know, the Southwest border strategy has been developed by Operation Alliance. In my view, this is a great step forward. The strategy now must be implemented by a detailed implementation plan. In this manner we will achieve the total DLEA-conducted military-supported drug interdiction of the Southwest border.

Although we are making progress, the potential exists to do even more. The range of military support that can be provided is necessarily limited by both legal constraints and DLEA funding. As you know, Federal military forces are not authorized access to private lands without prior approval of the landowner. From an operational commander's perspective, this is analogous to telling a commander he cannot occupy 50 percent of the key terrain. Even with this limitation, I expect that we will soon be able to deliver more military support on the border than the DLEA officials can reasonably be expected to employ due to their current manning levels. The startup of JTF-6 has not been without growing pains. Today, however, a closeness exists between our headquarters and the law enforcement officials of the Southwest border.

As we begin to implement our action plan, I believe this close working relationship will produce an operational pace which will give the citizens of our Nation a more effective deterrent to drug trafficking along the Southwest border.

Mr. Chairman, that concludes my remarks.

Senator DECONCINI. Thank you, General. Let me ask you, it is my understanding from the appropriation last year that $40 million was set aside for 1990 designated for local and State law enforcement; is that correct?

General STOTSER. That is at the DOD level, Mr. Chairman, and I really cannot comment, because that covers everything and I am just one very small part of that.

Senator DECONCINI. How much has been available for you? Any?

General STOTSER. From my viewpoint, I do not have a problem. My higher headquarters, FORSCOM, has funded all of the operations.

Senator DECONCINI. That you have suggested?

General STOTSER. Yes, sir.

Senator DECONCINI. Do you know what that amounts to?

General STOTSER. I do not have that at this time.

Senator DECONCINI. Could you supply that for us?

General STOTSER. Yes.

Senator DECONCINI. I would appreciate it.

[The information follows:]

My records show that $3.3 million has been spent for operations under my control. This braks out to $1.2 million spent by operational units and $2.1 million spent at Fort Bliss for various costs associated with support of these and future operations.

Senator DECONCINI. Next year I understand this number will be increased to $60 million and it includes, specifically, State and local law enforcement. Will you have access to some of that money, upon request, that is received for local law enforcement?

General STOTSER. I would hope so.

Senator DECONCINI. Yes; do you anticipate processing some of those funds?

General STOTSER. Yes, sir.

Senator DECONCINI. My information shows me, and I would appreciate it if you would help us, that only $6 million of that $40 million has, in fact, gone to law enforcement officials. I do not know if that figure is accurate. If you could help us——

General STOTSER. Mr. Chairman, I really cannot comment on that because I think that probably is a DOD figure, and I am a very small part of that.

Senator DECONCINI. Can you make an inquiry or help us find out who can do that?

General STOTSER. Yes, sir.

Senator DECONCINI. I guess we could call them too, but maybe you can help us.

General STOTSER. I understand.

Senator DECONCINI. I am trying to get a handle on the exact amounts slated for law enforcement.

[The information follows:]

DOD has diligently pursued providing support to law enforcement agencies in the authorized categories under Section 1212 of the Fiscal Year 1990 Defense Authorization Act. DOD has worked closely with the many law enforcement agencies to define their requirements; however, a major difficulty has been the inability of the law enforcement agencies to define their requests succinctly within the authorized categories to satisfy appropriate legal review. As of August 14, 1990, $3,875,000 of 1212 funds have been provided. Requirements totaling an additional $5 million are currently under review to determine if they are in compliance with the statute.

Senator DECONCINI. You heard, and I say this constructively, the complaints and suggestions of the sheriffs and some of the people that work here about getting answers. Do you concur that there is a problem up the line of getting determinations and legal interpretations and that sort of thing?

General STOTSER. I think that there are probably two major problem areas. One is we need to do a better job of planning, and plan

and act rather than react. In many cases I think that will help. The other is we do need, in my opinion, to lower the level of approval for these requests, and I understand that decision is about to be made in some form very shortly.

Senator DECONCINI. I understand that Operation Alliance is seeking to colocate with JTF-6 at Fort Bliss; is that correct?

General STOTSER. That is, and I think it is a great idea.

Senator DECONCINI. Will that occur?

General STOTSER. In my opinion it should occur, and I think the only thing blocking that right now is the funding, sir.

Senator DECONCINI. You mean that Operation Alliance does not have the funding, or is it DOD?

General STOTSER. We now have a request into DOD for the required funding.

Senator DECONCINI. To fund it?

General STOTSER. To use funds for this purpose.

Senator DECONCINI. And that is under consideration?

General STOTSER. Yes, sir; the lawyers are looking at it.

Senator DECONCINI. How long has that been under consideration; do you know?

General STOTSER. I do not know.

Do you recall?

Mr. BOWEN. About 6 weeks.

General STOTSER. Six weeks.

Senator DECONCINI. Do you have any idea when the decision will come down?

Mr. BOWEN. I do not have any idea.

Senator DECONCINI. Maybe we can help to move it along.

General, have you actually requested from a high command some specific funds to go through Federal law enforcement agencies in the Southwest border?

General STOTSER. I have asked for a budget.

Senator DECONCINI. You have asked, you have submitted a budget?

General STOTSER. For JTF-6.

Senator DECONCINI. For your operation?

General STOTSER. Yes.

Senator DECONCINI. Has any of that included funds for the law enforcement agencies?

General STOTSER. No, sir; this would include funds for the support that DOD or JTF-6 provides to the law enforcement.

Senator DECONCINI. When I talked to you on the phone I complimented you for your cooperation, and you heard Mr. McDermott talk about the tunnel, but it has come to my attention that they had to reimburse DOD for that; is that correct?

General STOTSER. That is correct, sir.

Senator DECONCINI. That is a lawyer's interpretation?

General STOTSER. Yes, sir; the law states that if the military gets training or it is to our value, then we do not have to request reimbursement and we can waive the funding.

Senator DECONCINI. This had no training benefit?

General STOTSER. In this particular case we had to go out and contract a civilian contractor to actually support Mr. McDermott.

Senator DECONCINI. Let me say about Mr. McDermott, I tried my best to find out from him the conditions under which he worked and he refused very diplomatically to ever tell me that he had to pay for the aid he received. I found out through other sources. I only raise it, because I think there is something wrong here. You need to be able to not have that prohibition. If it is in there, it is in there, and we need to do something about it. The Senate Armed Services Committee does have an amendment coming through on this that is supposed to eliminate some of those things and we are looking, Senator Domenici and myself. We want to be able to say you can hand this stuff over without worrying about what a bevy of lawyers is doing up the Potomac.

General STOTSER. From an operational point of view——

Senator DECONCINI. You would like to see the same thing?

General STOTSER. Yes, sir.

Senator DECONCINI. Thank you, General.

Mr. BOWEN. Senator, to answer your question on the officers, the representatives from Phoenix at the authors' convention, there were two.

Senator DECONCINI. Let me ask you one other question about intelligence. Do you have drug intelligence available to you at JTF-6?

General STOTSER. Yes.

Senator DECONCINI. Can you share that——

General STOTSER. Yes.

Senator DECONCINI [continuing]. With Federal law enforcement? And Federal intelligence on drugs, could you share that?

General STOTSER. The system is not what I would like to have today. It is currently being worked on to try to improve that.

Senator DECONCINI. Can you share Federal intelligence with Federal law enforcement?

General STOTSER. Yes.

Senator DECONCINI. Can you share it with local law enforcement?

General STOTSER. Yes, sir.

Senator DECONCINI. Thank you very much.

Would our next panel please come forward.

EXECUTIVE OFFICE OF THE PRESIDENT

Office of National Drug Control Policy

STATEMENT OF STANLEY E. MORRIS, DEPUTY DIRECTOR FOR SUPPLY

DEPARTMENT OF THE TREASURY

STATEMENT OF PETER NUNEZ, ASSISTANT SECRETARY OF THE TREASURY FOR ENFORCEMENT

Operation Alliance

STATEMENT OF WARREN REESE, SOUTHWEST BORDER HIGH-INTENSITY DRUG TRAFFICKING AREA COORDINATOR, DIRECTOR OF OPERATION ALLIANCE

Senator DeConcini. Thank you for being with us. I greatly appreciate your coming out here to sunny Arizona. It is going to rain this afternoon, I understand. We need it. I appreciate the tremendous amount of time put in on this plan and the other plans you support.

We will start with you, Mr. Morris. Would you please summarize your statement.

STATEMENT OF STANLEY E. MORRIS

Mr. Morris. Certainly. I have a prepared statement, Mr. Chairman, and if you would reflect that on the record.

Senator DeConcini. It will be inserted in the record.

Mr. Morris. I would like to make a couple of observations in the interests of time. I have had the opportunity to listen to the earlier witnesses, and as you have heard me observe before, the important element of great concern that many of us had in the establishment of the high-intensity drug trafficking area program was the misperception and potential as to what it was and what it was not. I think we saw some of that earlier this afternoon. The fact is that it is one part of the administration's strategy. It is not the Bureau of Justice Assistance; it is not the National Institute on Drug Abuse; it is not a lot of things. What it is, specifically as we viewed it and as we tried to articulate it in the strategy that the President sent forward in January, is an effort to establish priorities for Federal agencies in those areas where constant effective Federal effort and presence we believe have a positive national impact on the drug problem in the United States.

As a consequence, as a result of this process, we were quite concerned that that be understood upon the designation. Indeed, in all the four metropolitan areas I spoke personally with Chief Brown in New York, Chief Watson in Houston, Darrell Gates in Los Angeles, and Fred Taylor in Miami. We did exactly the same thing in Houston. We tried the best we could to explain what this program was

and what it was not, because there is a lot of concern that it does not do everything for everybody. It was not intended to do everything for everybody; and I do not come forward here, having heard the concerns and complaints, in the sense of apology.

I think that a lot of effort and hard work has gone into getting where we are. However, it is not where we want to be. I think in the past 5 months we have attained what is a reasonable position and posture to find ourselves in. The agreements and reimbursements have all been received and agreed on. They have been entered into the funding—a small part of the program, which is the $25 million appropriation that Congress will make in 1990 as a contribution to a strategy that was worked out with State and local input in all five of the areas, indeed of the areas here. So that is really the only point that I would like to make. I know in the interest of time you have some questions of your own, so——

Senator DECONCINI. Yes.

Mr. MORRIS [continuing]. I will turn it to Pete Nunez or Mr. Reese.

[The statement follows:]

STATEMENT OF STANLEY E. MORRIS

Good morning. I would like to thank you for the opportunity to address this Subcommittee hearing on the High Intensity Drug Trafficking Area Program. I look forward to a productive working relationship with the members of this Subcommittee.

The war on drugs is being waged on many fronts. The National Strategy describes a balanced plan of attack for all levels of government, for private industry, and for all American citizens. There is no single initiative, no one tactic that will solve our drug problems. The Strategy provides an integrated national policy aimed at the complicated array of problems posed by illegal drugs. The High Intensity Drug Trafficking Area (HIDTA) Program is one important element in the consolidated national campaign against illegal drugs. The HIDTA Program will not win this war; however, in the successful implementation of this Program, we will be making an important contribution to battling the scourge of drugs in America.

The HIDTA Program that has been planned and implemented by the Office of National Drug Control Policy (ONDCP) was established by Congress in the Anti-Drug Abuse Act of 1988. Section 1005 of the Act requires a number of criteria to be considered in designating localities in the United States as High Intensity Drug Trafficking Areas:

1) the extent to which the area is a center of illegal drug production, manufacturing, importation, or distribution;

2) the extent to which state and local law enforcement agencies have committed resources to respond to the drug trafficking problem in the area, thereby

indicating a determination to respond aggressively to the problem;

3) the extent to which drug-related activities in the area are having a harmful impact in other areas of the country; and

4) the extent to which a significant increase in allocation of federal resources is necessary to respond adequately to drug-related activities in the area.

The President's first National Drug Control Strategy, which was published six months after the establishment of this office, considered the subject of high intensity drug trafficking areas. Because the Strategy was required to be promulgated in September -- off the budget cycle -- no high intensity drug trafficking area designations were made in the 1989 Strategy. Subsequent legislation mandated the designations be made by February 1, 1990.

The 1990 National Drug Control Strategy designates five areas of the United States as High Intensity Drug Trafficking Areas: New York, Miami, Houston, Los Angeles and the Southwest Border. These areas were designated because of the seriousness of their drug trafficking problems and the effects that drugs flowing through these areas have on other parts of the country. The designations were the result of continued, intensified research at ONDCP subsequent to the 1989 Strategy. Because of the statutory focus on drug trafficking, our research focused on the quantitative and qualitative indicators of drug trafficking. In selecting the areas designated, we relied on:

- The Federal Bureau of Investigation's system for classifying U.S cities as first, second, or third-level

drug distribution centers. Pursuant to this system, major drug trafficking organizations are defined by the FBI as groups or entities responsible for the multi-jurisdictional trafficking of significant quantities of cocaine, heroin, or marijuana routed from other countries, and having the structure, hierarchy, and other evidence to suggest that individuals in the organizations are violating the Continuing Criminal Enterprise provisions of the Controlled Substances Act. The four metropolitan areas designated as high intensity drug trafficking areas are all classified as Level I drug distribution centers by the FBI.

- The Drug Enforcement Administration's Geographic Drug Enforcement Profiles. These profiles contain both qualitative and quantitative information on drug trafficking activities. Investigations involving a violator who heads a criminal organization managing five or more people from whom he receives substantial income or resources and who trafficks in large amounts of controlled substances are considered "Class I" cases. "Class II" cases involve violators who manage three or more people and traffic in smaller amounts of drugs.

Our research demonstrated that in the FBI's Level I cities, there are an average of 1,240 DEA Class I investigations per city, two and a half times the number of such investigations in Level II cities. DEA's Class I investigations of Colombian cartel cases are focused predominately in the Level I cities as well, with each Level I city showing between 30 and 40 cartel investigations being conducted by DEA. On average, there are seven times as many Colombian cartel

investigations being conducted in the FBI's Level I cities as in the Level II cities. The high number of DEA's class I and II investigations in San Diego and along the Southwest Border supports the designation of that area.

- In addition to the FBI and DEA criteria, we relied on intelligence reports from drug control program agencies in selecting the areas designated. Also, drug trafficking patterns through each of the five designated areas reinforced our designations.

The data confirmed that the Southwest Border had become a principal area through which a major portion of illegal drugs are smuggled into the United States. Further, the data revealed that the four designated cities are clearly, and to a greater degree than other areas, significant centers of drug trafficking.

The 1990 Strategy established a structure for focusing, integrating, and balancing of Federal efforts in each of the high intensity drug trafficking areas. To ensure overall coordination of effort, the Strategy created two committees of the Supply Reduction Working Group to coordinate the overall HIDTA effort. The Metropolitan HIDTA Committee, chaired by the Department of Justice, has the responsibility for HIDTA coordination in the metropolitan areas of New York, Miami, Houston, and Los Angeles. The Southwest Border Committee, chaired by the Department of the Treasury, has responsibility for coordination in the Southwest Border area.

The HIDTA lead agencies have accomplished a number of implementing actions. These include:

- designation of senior Department officials to chair the interagency Metropolitan and Southwest Border HIDTA Committees;

- assignment of a senior official in each area to serve as HIDTA Coordinator, with reporting responsibility to the Chairman of the appropriate HIDTA Committee; and,

- preparation of long range plans for consulting with state and local officials, developing proposals to refine specific area designations, conducting research, assessing the needs of each area, and making recommendations as to the allocation of HIDTA funds.

ONDCP established guidelines for both HIDTA Committees and actively participated in the planning and implementation process. The guidance included:

- Federal, State and local law enforcement communities will jointly participate in the assessment process and the development of implementation plans.

- The precise areas included by the HIDTA designations will be developed at the local level and are subject to change according to local circumstances.

- The funds allocated, $25 million this year and $50 million proposed for Fiscal Year 1991, will be used to enhance law enforcement efforts against drug trafficking organizations.

- These funds are not intended to be used as state grant money nor as a supplement to states' law enforcement initiatives. They are, however, to be used in the

designated areas for law enforcement needs which includes the entire law enforcement community.

I was pleased to work with representatives of the Justice and Treasury Departments when, at the inception of the program, we visited the HIDTA areas and met with Federal, State, and Local officials. I believe this enhancement of our National drug reduction effort is well underway because of our combined efforts to inform the leading regional officials about the impact of the designations. At the beginning of the Program a series of local meetings was held.
At each of the meetings, the U.S. Attorney and senior Federal law enforcement officials were present. The HIDTA Area Coordinators also participated in the meetings when those positions were designated.

The High Intensity Drug Trafficking Areas will see substantial increases in Federal resources:

- Total Justice, Treasury, and Transportation law enforcement budget resources in the designated areas in FY 1991 are 38 percent more than FY 1989 levels. Resources for these agencies law enforcement efforts increase from an estimated $701 million in FY 1989 to $964 million in FY 1991. Personnel resources -- including Federal agents, investigators, and prosecutors -- in the designated areas in FY 1991 are approximately 26 percent more than FY 1989 levels

- Total drug-program resources available from all agencies increase from $814 million in FY 1989 to $1.2 billion in FY 1990, and the Administration is requesting nearly $1.4 billion for FY 1991, a 70 percent increase.

Draft implementation plans were discussed at the meeting of the Supply Reduction Working Group (SRWG), on April 16, 1990, and submitted in detail to ONDCP on June 20, 1990. Final approval was given to the Southwest Border plan on July 3, 1990. The Metropolitan Plans were approved on July 24, 1990. Large-scale drug trafficking organizations involve an array of Federal criminal offenses, ranging from racketeering and tax evasion, to import/export law violations and violations of the Federal firearms laws. Mounting successful attacks on trafficking and money laundering organizations often exceeds the capabilities of individual law enforcement agencies. For these reasons, the near term HIDTA program will be based on increased investigatory resources, coordinated multi-agency efforts, and close coordination with and support of State and local law enforcement.

- The proposals submitted for the Metropolitan Areas and the Southwest Border Area include recommendations to direct the reassignment of Federal personnel to the areas.
- The Southwest Border plan includes federal, state, local and military efforts, and would: enhance intelligence collection, analysis and use; create multi-agency rapid response teams at and between ports of entry; expand National Guard and military participation in support of law enforcement; and support a number of multi-agency operations and task force proposals.
- Under the Southwest Border Plan, compliance efforts and training presentations to border financial institutions would be increased and, asset removal teams and fugitive task forces would be formed.
- The Metropolitan HIDTA strategy focuses on the establishment of law enforcement initiatives and the

attendant purchase of needed equipment. The plan would: support the establishment of multi agency task forces and intelligence operations; purchase sophisticated equipment for use by the law enforcement community in the area; and, expand and enhance existing Federal-State-Local programs which focus on money laundering and interdiction efforts.

- In addition, the plan would identify enhancements needed for an improved law enforcement training and education program; form a Federal-State-Local unit to investigate and prosecute drug related homicides; and, enhance inspection efforts at marine and air ports.

- Both of the proposed plans emphasize the need to coordinate Federal, State, and local law enforcement and prosecution efforts in, and between each High Intensity Area.

- As I mentioned earlier, these plans were submitted to ONDCP on June 20. Prior to submission to ONDCP, the process of developing these plans was undertaken at the local level. Representatives from each federal agency, municipal police departments, sheriff's offices, state police organizations, and prosecutorial offices worked together in assessing and developing a plan for their respective areas. These plans were then approved by the agencies at the local level, and then forwarded to the departments of Justice and Treasury for their review and approval. These plans were then reviewed and approved by ONDCP.
- The FY 1990 appropriated funds have been made available to the receiving agencies according to the approved resource allocation proposal. These reimbursement agreements were executed last week.

- As requested, the plans allocate $10.6 million in HIDTA funds to the Southwest Border Area, and $14.4 million to the Metropolitan Areas, almost evenly divided among the four cities.

The Anti-Drug Abuse Act of 1988 requires that the Director report to Congress by March 1, 1991, on the effectiveness of, and need for, the designation of HIDTAs. The enhancement of Federal resources to the HIDTA Areas is well underway. We will continue to measure the progress of this highly visible part of the National Strategy, and will report to Congress on the effectiveness of the HIDTA initiative next March.

Senator DECONCINI. Thank you, Mr. Morris, and I am glad you made that explanation, and let me say that I think the plan has some merit and I am going to put in the record not only the summary you left with us but our summary of the plan, which points out the border patrol and the mobile portable radios and special operations and how you have broken those funds down. I think that is very, very positive. I believe that local law enforcement thought, from the little bit of contact they had that they were going to participate in this $25 million, and others eventually realized that they were not because they felt they were left out.

But in reality, do you see some merit in future years of including local law enforcement in some manner, if you can, in the appropriate places that are set aside for the high-intensity drug trafficking areas?

Mr. MORRIS. There is not any question. In fact, we thought we tried to do that. On the Southwest border, I personally met with the State representatives from all four of the States as well as representatives from——

Senator DECONCINI. Operation Alliance, you mean their representatives?

Mr. MORRIS. Yes; and I guess I had some reasonable expectation that that would serve some interaction within the States. Obviously that did not work. But there is not any question that the whole thrust, and you have seen it, in fact, prodded and pushed it over the last several years, pushed the Federal agencies into much greater cooperation with the State and local agencies than, in fact, you experienced and I experienced 15, 20 years ago when I first got into the business.

So I think that we have made great progress. The big Federal nemesis does not lord it over the locals, and all the various approaches toward task forces and the like are central to all those strategies, not just the one of the Southwest border. We will do

better, but I certainly did not come here embarrassed as to where we are.

Senator DECONCINI. I do not think you are either. I think in fairness to the Congress, by setting aside some money, they—totally determined by you, by your office, in a short period of time—raised the expectations of local law enforcement that there was going to be some funds for them when, in fact, we should have made it more clear that there was not.

If the present $50 million is funded and/or if additional funds are appropriated, what would your position be on any specific congressional earmark for part of those funds to be used directly to local law enforcement out of your office?

Mr. MORRIS. Well, I can tell you on the part of Director Bennett and the rest of us, we do not want to run a grant program out of the Office of National Drug Control Policy. We think that is antithetical to the purpose of it. It is time-consuming, and I think it is destructive to the overall direction of why Congress created the body in the first place. If the problem is in the Bureau of Justice Assistance, for example, that the funds are not getting quickly enough to local police departments—I have heard that a number of places—we simply ought to fix that program and make it one that works. We have increased by 225 percent the funds in the Bureau of Justice Assistance, to nearly $0.5 billion, in the 1991 Presidential budget, but we would prefer that we make those programs work.

Indeed, the discretionary part of that program has specific language in there to give a priority to requests from high-intensity drug trafficking areas. As I tried to point out at the outset, it is very important to point out that the HIDTA was a designation that intends to establish a priority for other Federal agencies and other Federal programs, not just try to build up a separate categorical program.

Senator DECONCINI. I understand that, and your plan goes into, as do the other plans, what additional resources to put in. I want the record to be very clear, and that is why I am going to put in the summary concerning 25 new DEA agents and 4 FBI agents and additional Customs agents just for the Southwest border, all as a result of your designation, not coming out of these funds. This is for transfers, and I think it is important that the record show this.

If Congress was to enhance that high intensity amount above the $50 million and said to Director Bennett, "We want you to see that this gets to local law enforcement," what would your thoughts be? Would you use BJA or would you hand it over to your directors of the high-intensity drug trafficking areas? Or would you just say thanks but no thanks, I would just as soon not have it?

Mr. MORRIS. If the Congress mandated it, we would carry it out. That much I can assure you. Our desire would be—I am quite confident I can speak for them—to decentralize and have some decisions made outside of the Executive Office of the President, that is, by BJA, if we can have the mechanism work effectively, or have it extended as part of the Presidential process from just Treasury to oversee the two parts of this program.

Senator DECONCINI. I see these two plans as having a good chance of having some real effect in that you were paying the cost of moving these agents and reallocating and then giving direct

funding to the Federal agencies here, but it seems to me that there is a way to have the local law enforcement as partners. One thing you would like to do as a partner is contribute, and if there are benefits that come from that partnership, you would like to receive some of them.

Maybe there is a better way to phrase the issue. Maybe the drug coordinator's office would know a better way to have the local law enforcement feel like they are actually a part of it. I heard Mr. Wood testify about an equipment sharing program, and I was not aware of the plan encouraging them to share some of the radio equipment. I think that is a very positive thing, because those are tangible things those officers can see the next day. The DEA gets them and the next day they hand them off.

Mr. MORRIS. Over the years, however, and I know you have seen the same thing occur, we have talked to local law enforcement from Los Angeles to San Ysidro, and I think one of the major complaints is the inadequate Federal presence, and I think that is a very important part of what this program is all about.

One thing I can assure you, Mr. Chairman, is that we are right now in the process of statutorily mandating the certification of bureau budgets, a process that is more time-consuming and more difficult than running the Marshall Service was. But what we are doing as a part of that is reminding all of the agencies that these high-intensity drug trafficking designations are serious; they are part of the President's plan; they are being neglected and are not paid attention to, and we are pointing that out before the Cabinet officers even complete their review of the budget. This will make an impact; maybe not tomorrow or next month, but over the long haul we believe this is the right plan.

Senator DECONCINI. Thank you, Mr. Morris.

Secretary Nunez, I want to particularly thank you for coming out here. Your reputation precedes you regarding your work as Attorney General in southern California and the other work you have accomplished over the long years against illegal narcotics coming into the country and the Southwest through Colombia and Mexico. So I appreciate your being here and welcome your testimony. If you have a full statement, we will put it in the record.

STATEMENT OF PETER NUNEZ

Mr. NUNEZ. Thank you, Mr. Chairman. I think also in the interests of time I would just make a few remarks and then leave time for questions. As Mr. Bowen indicated, the most important thing that we can indicate to you today is that we made our best efforts to include everyone who wanted to be included. I think we did everything we thought was possible.

We invited 476 people, and that was not the end of the process. That was after we had asked a number of the folks we were regularly in contact with, State and local representatives, to search out their own colleagues in their own States. I know I spoke with each of the five U.S. attorneys along the border to ask them to assist with their colleagues through the LECC program. I know as an example that in San Diego the U.S. attorney there contacted all of the chiefs and all of the DA's, all the right people to sit down to-

gether and come up with a plan, which they submitted to us, so if that did not happen everywhere, I think to some degree it was beyond our control.

But what we are prepared to do now, since we are starting a new year and we do have more time available, is to hold a conference in each State to make sure that whoever felt they were not properly consulted last time will be included this time. We do have a strategy, but the strategy is obviously going to change with the times, and if there are new ideas we learn going through this phase of the 1991 cycle, so be it. We will make those adjustments.

I wanted to thank you personally for all of the support you have been to the Treasury, and to the Treasury family in particular, all the law enforcement community in a general sense along the border for a number of years now in assisting us to get the resources we need. We really value your support over the years, so I thank you again for that.

Reacting again to some of the comments made earlier, there is a section in the strategy that deals with demand reduction and it does not, contrary to what was stated earlier, require everyone to do the same thing. As a matter of fact, the term "flexible response" is the phrase that was selected. What we were talking about in standardization is that everybody ought to have a plan, and whatever the plan is, there are some key factors to consider, and I am sure that Maricopa County and Chief Ortega's plan certainly qualified. They have been a model over the years of the drug demand reduction program, so I think there was a misunderstanding in that regard.

I guess the one thing that we feel needs the most substantive work in the year to come is the intelligence issue, which several people have talked about. I do not think anybody at any level feels comfortable with the way we have progressed, the progress that has been made or not made, in dealing with intelligence at this level, so that is one of the things that we want to look at. It is a substantive issue, and I think that General Stotser of JTF-6 can give us some valuable assistance in how to organize such an effort and what it should like look, Federal, State, and local. That is one of the ongoing matters I think is going to require the most thought over the next year.

[The statement follows:]

STATEMENT OF PETER K. NUNEZ

Mr. Chairman, members of the Committee, thank you for the opportunity of appearing before you today and offering testimony concerning the Southwest Border High Intensity Drug Trafficking Area designation.

Mr. Chairman, as you are aware, the January 1990 National Drug Control Strategy mandated a number of items specifically pertaining to the Southwest Border and the High Intensity Drug Trafficking Area designation. As a former U.S. Attorney who has lived and worked on the Southwest border, I have a particular interest in this program. I have made a concerted effort to involve state and local law enforcement in our preparatory deliberations. I would like to briefly tell you what Treasury has done with the help of local advice as well as our own.

The National Strategy designated the Department of the Treasury as the lead agency responsible for the coordination of the Southwest Border High Intensity Drug Trafficking Area. The strategy also required Treasury to assign a senior official to coordinate these efforts, with responsibility to conduct all necessary coordination with state and local officials. Furthermore, the strategy required the coordinator to serve as the Director of Operation Alliance.

In March of this year, I named Mr. Warren Reese to the position of Coordinator of the Southwest Border High Intensity Drug Trafficking Area and Director of Operation Alliance.

Mr. Reese, who is here with me today, has a long and distinguished career as an Assistant United States Attorney in the San Diego area. His experience and expertise make him uniquely qualified for this position.

Since being named to this position, Mr. Reese has been traveling extensively around the Southwest Border, meeting with state and local officials, as well as the Federal agencies, both to better familiarize himself with the variances along the Border and to solicit suggestions and recommendations on how to improve the coordination process.

In accordance with the National Strategy, and at my direction, Mr. Reese and Operation Alliance have been tasked to coordinate and handle the day-to-day administration of the Southwest Border High Intensity Drug Trafficking Area. This reflects the excellent coordination mechanism already in place through Operation Alliance.

Mr. Reese has also been working very closely with the Senior Tactical Coordinator and the staff of Operation Alliance on the recently completed Southwest Border strategy and the high intensity drug trafficking area spending plan for the current fiscal year as well as for Fiscal Year 1991.

Mr. James Bowen, the Senior Tactical Coordinator of Operation Alliance will be testifying as to the actual procedures utilized in preparing the Southwest Border Strategy and the Fiscal Year 1990 High Intensity Drug Trafficking area funding proposals. However, there are a number of items that I would like to stress.

The Southwest Border Strategy, like Operation Alliance, is not meant to be be a rigid document. Rather, it is intended to grow and undergo modifications as new ideas and techniques are developed. If a portion of the strategy is found to be ineffective, or changing conditions make a portion obsolete, then the strategy will be modified to address whatever the current

conditions necessitate. This will be a continual reviewing and updating process.

The Southwest Border Strategy mirrors the National Strategy and is intended to complement it. Now, for the first time, there is a single strategy for the entire Southwest Border area. The development of this strategy has enabled all of the various law enforcement agencies along the Southwest Border to work toward common, identified goals. I anticipate that these agencies will develop sub-strategies based upon the Southwest Border Strategy, identifying how each of them are going to accomplish the goals and address the requirements delineated in the strategy.

The Fiscal Year 1990 High Intensity Drug Trafficking Area funding proposals are consistent with the Southwest Border strategy.

In closing Mr. Chairman, I would like to make one final point. We still have a long and difficult way to go before we once and for all halt the flow of drugs crossing our Southwest Border. However, I believe that we now have a solid base upon which we can build, and ultimately win this war on drugs.

Mr. Chairman, that concludes my prepared statement. I would be happy to answer any questions that you or the committee might have.

Senator DECONCINI. Mr. Nunez, in the 1991 plan, do you anticipate increased personnel there, in the figure of the $50 million you have sought, or are you in the process yet of making judgments as to how you are going to allocate any of those funds?

Mr. NUNEZ. No; we have not made any of those decisions yet. I think what we know is that in the normal budget allocations for the areas along the border in 1991 and 1992 there are some increases. I think we want to make sure that those positions are filled, not just set. And although I do not want to use up a whole lot of this money, whatever portion we would get with things like PCS moves that are normally appropriated items, we will do what we have to do, but we think there are lots of things to use the

money on other than what agencies are going to get through the normal budgeting cycle.

Senator DECONCINI. What about my question to Mr. Morris about State and local participation in funding if there are any additional funds above the amount of the budget in the President's budget request, how do you feel? Does the Treasury have a position or do you care one way or the other?

Mr. NUNEZ. We have not developed a formal position, but it strikes me if a State or local police agency came forward and said we want to do this kind of operation and this kind of effort and it is consistent with your plan in this particular case, that we ought to look at a way to fund it. And whether that is through a grant program or through the use of forfeited assets, a sharing program, or some kind of money as Mr. Morris indicated, that would be decentralized and we would not necessarily make the decision, but we would have some input in it. I do not have any problem saying yes, this is a consistent use of State and local law enforcement along the border and we support it. Now, who gets to make the decision and write the check can be decided by others, I suppose.

Senator DECONCINI. Mr. Nunez, the Government of Mexico has demonstrated some recent willingness to cooperate with United States law enforcement far above, in my judgment, what it has been in past years. I understand that Mexico has made a request to the State Department to transfer a P-3 airplane with the F-15 radar to undertake their own mission without United States law enforcement personnel on board in Mexico. Are you aware of this proposal, and if so, what is the position of the Treasury Department regarding the transfer of such a plane?

Mr. NUNEZ. As a matter of fact, one of the last things I did on Friday in Washington was to go to a meeting on this topic, one of those things I think people in Washington do best, and from day to day, hour to hour, almost minute to minute, this situation is changing. I have been following this debate, which includes State, DOD, and Customs primarily, to determine what is the best way to deal with this issue. I think we have some concerns about giving a particular airplane, whoever gives it, whether it comes out of the DOD or Customs, whatever is really the best way to approach the problem, but if there are no better alternatives, then we will review those options as we go on. But I know it seems to me there are a number of options that can be discussed and we should discuss those with the Mexican Government.

Senator DECONCINI. Not to micromanage, but the thought of, to my mind at least, having such an airplane with no American law enforcement at least on board really troubles me, as does the maintenance or lack thereof, or the lack of supervision of maintenance. We cannot give them the airplane, I understand it has to be loaned to them, and not to have a Customs official or some other U.S. law enforcement representative on board really troubles me.

I do not think we have to do it in such a manner that it would be offensive to the Mexicans, but if the need is there, let them select the mission. It seems to me we should have some law enforcement official on board as a fundamental principle. I would hope pressure occurs.

Do you have any comments on that?

Mr. NUNEZ. I would say that those issues are among a whole host of problems that we see, at least in the discussions so far, and that there is a significant legal issue that has not been yet overcome, how we would do this even if we wanted to. We would think it would take a legislative change.

Putting that aside, there are a lot of ways to track aircraft using a lot of different air assets, and the training of Customs air people primarily. No matter what you are talking about, you do not run one airplane, so even if we gave it to them, the question of how long it would take to get the training done on it, to get it on the field, also to get it crewed up by the Mexican officials, how it is going to be maintained, and one of the values of the Customs program is that they have several airplanes and they keep them in a rotation so that the maintenance is being performed and you can always have a plane available. If you have only one plane, that does not happen.

Senator DECONCINI. Of course. I understand some helicopters are involved here, too.

Thank you, Mr. Nunez.

Mr. Reese, your reputation precedes you as an outstanding prosecutor and someone well known in law enforcement. You have a distinct honor here. You have taken all the blame or gotten credit for all the success of the Southwest border program, being coordinator for that. We welcome your being here today and your comments and appreciate your time. Please proceed.

STATEMENT OF WARREN REESE

Mr. REESE. Thank you, Senator. I decided not to prepare a statement since I am relatively new in this program, and furthermore, Mr. Bowen was better informed in that regard. I have spent the past several weeks literally constantly traveling, mainly in Arizona, New Mexico, and Texas, to familiarize myself with the situation and to become acquainted with the Federal, State, and local law enforcement people. I am available to and would be happy to answer any questions you have.

[The statement follows:]

STATEMENT OF WARREN REESE

Mr. Chairman, I would like to thank you and the other members of the Subcommittee for the opportunity to provide a written statement regarding Immigration and Naturalization Service plans to combat drug trafficking in the Southwest border High Intensity Drug Trafficking Area (HIDTA).

Before I go into detail about the INS proposals for a drug program on the Southwest border, let me describe how INS programs fit into the broad national programs and objectives for drug supply reduction and demand reduction which are defined in the President's National Drug Control Strategy. The Immigration and Naturalization Service has developed programs which take full advantage of our unique law enforcement authorities, skills, responsibilities, and resources to support those national programs and objectives.

In supply reduction programs, INS has a major role in drug interdiction, especially on the Southwest border where we have the strongest concentration of Border Patrol and other enforcement resources. INS also has an important role in Organized Crime and Drug Enforcement Task Force (OCDETF) and other drug task force investigations focusing on alien drug traffickers and organizations, and in the collection and use of drug trafficking intelligence. A vital drug enforcement support program for INS is the deportation of convicted alien drug traffickers, and the exclusion of alien drug traffickers from entry to the United States.

The INS has participated in Operation Alliance since its creation in 1986. As you know, INS has dedicated personnel to the Operation Alliance staff in El Paso, and routinely coordinates with Operation Alliance in planning border drug interdiction operations. I believe that the activities and

initiatives developed by Operation Alliance have led to substantial increases in the effectiveness of federal drug interdiction. Operation Alliance brings together all the Federal, state and local agencies involved in drug enforcement and is ideally situated for the coordination of multi-agency efforts in the Southwest border HIDTA. Since Operation Alliance was created, the number of INS drug seizures has almost tripled and the amount of drugs seized has increased from 73 tons to just under 300 tons. INS has participated extensively in the development of the Southwest Border Drug Control Strategy, which was developed by Operation Alliance to provide a structure for multi-agency operations in the HIDTA.

In the area of demand reduction, INS has established an effective Drug-Free Work Place Program, and continues to provide demand reduction education programs for schools and youth organizations in border communities. INS has worked closely with other drug law enforcement agencies, demand reduction agencies and the Department of Defense to ensure the highest degree of cooperation, coordination and support.

The designation of the Southwest border as a High Intensity Drug Trafficking Area came as no surprise to anyone familiar with life and law enforcement along this border. The increase in INS drug seizures is a direct result of the enormous increase in drug smuggling through Mexico. This increase has challenged INS to improve drug interdiction while continuing to accomplish our primary law enforcement mission to maintain effective control of immigration, including the detection and deterrence of unlawful border crossings. INS is strongly committed to the accomplishment of both missions. I have identified several initiatives which can improve our effectiveness in drug interdiction and other drug law enforcement activities.

I have initiated a long range plan to provide secure radio and telecommunications for Border Patrol Agents and other INS law enforcement officers. This initiative is essential for any meaningful increase in our effectiveness against drug traffickers, who are well equipped with radio scanners to monitor our enforcement actions. I have recently signed a multi-year contract with Motorola Corporation, and the first order of $6.8 million of radio equipment is being prepared. This initial purchase will provide secure portable and mobile radios at the El Paso and McAllen, Texas, and Tucson, Arizona Border Patrol sectors. These radios will enable INS officers to communicate without the risk of being monitored by criminals. This equipment will provide secure communication for immigration control operations, and tie our officers into the Operation Alliance radio network for immediate communication with other agencies for drug enforcement operations.

INS intrusion sensors, night vision and other electronic surveillance equipment are the backbone of our border control efforts, and are essential to drug interdiction and investigations. We have recently awarded a multi-year contract to Sparton Technologies, Inc., for new remote sensor equipment. An initial order of almost $500,000 has been placed for immediate deployment along the Southwest border. We are working with the Department of Defense and a major research and development laboratory on a study of our border sensor system which will help us match the latest technology to the terrain, weather, traffic and other conditions on the border, and guide the expansion and upgrading of our sensor networks. While that study gets under way, I have also developed a plan to purchase a small number of tactical mobile sensors for drug interdiction operations on the southwest border. These sensors will be used for Operation Alliance corridor operations, enabling our agents to install a short-term sensor network in an area of suspected drug smuggling,

and then to move the sensors to other locations as smugglers change their routes and methods of entry.

INS is addressing resource management needs on the Southwest border to fulfill our immigration control responsibilities and respond to increased drug smuggling. I have requested sixth-day overtime so that INS can increase the number of officers available for drug interdiction. Through Operation Alliance, INS is also receiving substantial resource management support from the Department of Defense and state National Guard units. Military technicians, mechanics, and equipment operators are helping to maintain, repair, and in some cases operate Border Patrol radios, equipment, vehicles, and aircraft. INS officers have been freed up to return to border patrol and other enforcement activities, and INS equipment is more rapidly returned to service through this DOD support. These resource management improvements have helped increase INS drug interdiction operations throughout the Southwest border HIDTA.

The INS drug abuse reduction through education program has an important role in Southwest border demand reduction. In many border communities the local law enforcement agencies do not have resources for a demand reduction program. The Border Patrol education program fills this gap, providing education visits by Border Patrol canine teams to schools, youth organizations, church and community groups. Last year, INS made presentations, to over 760 thousand youth at border community schools and organizations. We have made presentations to almost 600 thousand youth through May of this fiscal year. I look on this program as a highly cost effective use of our law enforcement resources, and a very positive contribution to HIDTA demand reduction efforts.

INS has long experience in law enforcement in the Southwest border area. We all know that the battle to stem the flow of

illicit drugs across the border requires a strong commitment to teamwork by all law enforcement agencies. I believe that INS is making a vital contribution to this effort in the Southwest border and throughout the United States in conjunction with the HIDTA program.

Senator DECONCINI. Well, based on what you heard today from the local law enforcement—and I concur with Mr. Morris, I do not think anybody needs to apologize—there are some differences as to interpretation and what, if any, funds are in place. Do you think more can be done to consult with local law enforcement? And, of course, if you have more resources, my second question is, is there merit in sharing some of those directly with the local law enforcement, assuming that you have more than what you have today?

Mr. REESE. In response to the second question, I wholeheartedly agree with that. I think some national mechanism needs to be formulated to execute that.

With regard to increased contact, I also concur with that, and I think that that probably is an area which I as the coordinator could give a great deal of emphasis, particularly in the coming months. And I would think that I should concentrate on increasing the communications coordination cooperation between the Federal and local law enforcement communities.

Senator DECONCINI. The strategy includes $1.5 million for special operations to be coordinated by Operation Alliance, $2.2 million for enhancement between the ports of entry, and $1 million for anti-corruption task forces. Can you give us some details on each of these particular activities and what you hope to accomplish by them?

Mr. REESE. It might be helpful if I had assistance from Mr. Bowen, if he is still here.

Senator DECONCINI. Mr. Bowen, can you join us?

Mr. REESE. As far as the anticorruption task forces are concerned, Senator—well, we know that there is corruption, frankly, at all levels of the government in certain areas along the border.

Senator DECONCINI. We are talking about the American side?

Mr. REESE. Yes, right. And the task force approach would be appropriate as a means of attacking that problem. The $1 million allocated will be distributed throughout the area of the four States to finance that effort.

As far as multiagency special operations are concerned, perhaps Mr. Bowen, having been involved tactically, in tactical planning and coordination in that area, it would be better for these to be referred to him.

Senator DECONCINI. Could you help us, Mr. Bowen?

Mr. BOWEN. Yes; within the $1.5 million there is $900,000 allocated to border patrol for special operations, a portion of which will be to allow us to function in conjunction with military assets.

Senator DECONCINI. Can you give me an example of what we will have trouble getting?

Mr. BOWEN. Not too many specifics about it. There are a number of operations coming up, for example, here in Arizona.

Senator DECONCINI. When you say operations, you mean——

Mr. BOWEN. Special operations.

Senator DECONCINI [continuing]. A special effort case or something?

Mr. BOWEN. Yes; joint with the military, and in this case there are some coming up in Arizona that would be.

Senator DECONCINI. And that is where some of these funds would be used?

Mr. BOWEN. That is where some of these funds would be used, but there is also funding of about $500,000 for the Customs Service for the same thing, about $125,000 or $100,000 for the Drug Enforcement Administration, and about $40,000 or $50,000, I do not recall off the top of my head, for the Alcohol, Tobacco and Firearms, and those are all designed for multiagency or DOD-supported operations.

Senator DECONCINI. Mr. Reese, in looking ahead to 1991, do you have any thoughts that you can share with us or are you still in the formulation stage of where you think this particular high-intensity drug trafficking area should focus and what you are going to recommend?

Mr. REESE. We are still in the formulation stage, of course, but in my view, in coming months, next year, we have got to give a great deal of attention to intelligence, a system to support investigations, information-sharing among the State, local, and Federal law enforcement, every agency working along the border, and we are presently involved in feasibility studies. I should say that is an upcoming activity. The plan is to incorporate ideas and systems all along the border so that we can be better informed in our operations.

I think we also have to give attention to the criminal justice system, adequacy of staffing of U.S. attorneys' offices, courts, prison facilities to handle more arrests, and more jails. It is a tremendous problem at all levels. And on the assumption we generate cases as a result of this program and produce more convicted persons, the problem is going to get ever more difficult. I think that we have got to give more attention to involvement in the demand reduction side.

Last week I attended a meeting at the Southwest Regional Center for Drugfree Schools and Communities and they were very enthused about the prospect of cooperation from law enforcement in their programs. And as I said earlier, I think we have to concentrate more effort on increasing cooperation and coordination between Federal and State.

Senator DECONCINI. Do you foresee the high-intensity drug trafficking areas actually being involved with the educational programs and treatment programs or anything like that?

Mr. REESE. To a degree. I think that is not a principal objective of law enforcement, but I think that we have some capability and expertise in that area.

Senator DECONCINI. I think you do too, and I am encouraged to hear that.

How would you measure the success of—and I am not going to hold you to it; I am just interested in how you look at this with your vast experience, and also yours, Mr. Nunez, these high-intensity drug trafficking areas. Is it raising the price, is it leading to more convictions? How do you see this conceptually?

Mr. REESE. Ultimately I think that reduction of demand is going to be a key to success, but there certainly cannot be abandonment, so to speak, of law enforcement.

Senator DECONCINI. Keep the pressure on.

Mr. REESE. Exactly, and I think that is where the emphasis needs to be at the moment, because I think demand reduction is a very long-term program.

Senator DECONCINI. Mr. Nunez, do you have any comments?

And Mr. Morris, I will ask you the same thing.

Mr. NUNEZ. When I was still in San Diego I worked with Customs to start the zero tolerance program, which was the insertion of zero tolerance before some of the forfeiture parts were generated. In any demand reduction, clearly law enforcement has a role to play in that, and that does not mean, as anyone has suggested, we abandon anything else to do it, because I think law enforcement agents are leaders in their communities, and they have contact with kids a lot and they can deal with drugs-in-the-workplace issues and help organize the community if they are not doing that themselves, and I think law enforcement's role is to hold the fort while that demand reduction effort goes on.

Senator DECONCINI. How about you, Mr. Morris? You had some observations about this high-intensity designation and maybe still do. After listening to people criticize your office as you have, perhaps with very good justification, what do you see, in your professional point of view, as to where the success of the high-intensity effort lies?

Mr. MORRIS. Well, I think probably the primary thrust of the high intensity drug trafficking is, as Warren Reese says, concentration on law enforcement. If we reduce supply, we are going to reduce demand; if we increase the price, we take the appealing nature of narcotics away; and we get tough with people and make it clearly an action that is sort of morally repugnant in our society, which is what law enforcement does.

Senator DECONCINI. Is that what high intensity should try to do?

Mr. MORRIS. It seems to me it has to be the primary part of what this program is going to do. What Warren Reese is saying and what Pete Nunez is saying is that essentially law enforcement has an esteemed position in the community and they should take that position and use it effectively in a leadership role to try and reduce demand.

But I think, in our view, quite clearly that law enforcement is a very important tool, and quite honestly, we know more about what we are doing than we do about trying to design programs to change the moral behavior of our citizens. We are working to do that, but we do not know how to treat very well and we do not know how to educate very well in this area; but we do know how to—it is a long answer to a short question and I apologize.

I think the goal here is designating these areas. We designate these areas because they are the organizations' shipment points.

They are permitting the power of the drug traffickers entering into our society, and the goal here is to reduce the power and the effectiveness of those organizations. What it is we expect to be able to do along the border is to disrupt and reduce the power. It is our firm view that we are always going to have some low level of drug use in this country, but if we can reduce the power of it, reduce the concentrations that occur in these five areas, we believe that this will make a real contribution. That is the underlying goal.

CONCLUSION OF HEARING

Senator DECONCINI. Thank you very much for being with us. It has been very helpful for the subcommittee. I want to thank you, the staff of the subcommittee, Rosalie Lopez, and others for their help here today. It has been very, very helpful to the subcommittee.

The subcommittee will stand in recess.

[Whereupon, at 3:05 p.m., Monday, July 30, the hearing was concluded, and the subcommittee was recessed, to reconvene subject to the call of the Chair.]

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